



17

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: NATHAN WILLIAMS, AICP, PLANNER II *NW*
480-503-6805, NATHAN.WILLIAMS@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *cl*
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: SEPTEMBER 3, 2014

SUBJECT: Z13-08: GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NOS. 427, 617, 725, 1287 AND 1689 BY REMOVING FROM THE SETTLER'S POINT PLANNED AREA DEVELOPMENT (PAD) AND THE GILBERT TOWN CENTER PAD APPROXIMATELY 25.3 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD ; TO APPROVE THE DEVELOPMENT PLAN FOR THE GILBERT TOWN CENTER PAD; AND TO REZONE FROM REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY TO REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PAD OVERLAY .

STRATEGIC INITIATIVE: Community Livability

Request to develop the subject site as an integrated mixed-use development with Multi-family apartments in the Regional Commercial (RC) zoning district.

RECOMMENDED MOTION

MOVE TO RECOMMEND TO THE TOWN COUNCIL DENIAL OF Z13-08, A REZONING OF 25.3 ACRES.

APPLICANT/OWNER

Paul Gilbert/ Dennis Newcombe
Beus Gilbert
701 N. 44th Street
Phoenix, AZ 85008
V: 480-429-3002
pgilbert@beusgilbert.com

AZ Gilbert Holdings LLC/ Lehman Brothers
Holdings, Inc.
Christopher Bley
3224 Peachtree Road, Suite 2200
Atlanta, GA 30326-1156
V: 310-500-3534
chris.bley@lehmanholdings.com

BACKGROUND/DISCUSSION

History

- | | |
|------------------|--|
| October 25, 2005 | Town Council approved GP05-07 (Res. No. 2649), the minor General Plan Amendment from Shopping Center Land Use Designation to Regional Commercial (RC) Land Use Designation, for Gilbert Town Center, for approx. 37 acres.

Town Council approved Z05-14 (Ord. No. 1689), a rezoning request from Shopping Center (SC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay, for Gilbert Town Center on approx. 37 acres located at the southeast corner of Gilbert Road and Warner Road. |
| December 7, 2005 | The Planning Commission approved UP05-12, a use permit for a 1,206 unit multi-family residential development as part of an integrated mixed use development plan and a building height increase from 55' to 65' in the RC zoning district on the 37 acre subject site. |
| May 17, 2012 | Town Council approved Z12-02 (Ord. No. 2368), a rezoning request from 11.7 acres of Regional Commercial (RC) zoning district with a PAD Overlay, to Regional Commercial (RC) zoning district with a PAD Overlay; in order to remove the 11.7 acre site from the requirements of the existing Gilbert Town Center PAD. |
| June 5, 2013 | The Planning Commission reviewed the proposed rezoning Z13-08 and use permit UP13-04 at the study session. |

Overview

The rezoning request will essentially remove the 25.3 acre subject site from the requirements of the existing Gilbert Town Center PAD and Development Plan and allow for the site to develop under a revised Development Plan in Regional Commercial (RC) development standards including 13.7 acres of multi-family residential use in the Regional Commercial (RC) zoning district, as part of an integrated mixed-use development.

The subject site is located at the southeast corner of Gilbert Road and Warner Road. Under a previous rezoning Z12-02 (Ordinance No. 2368), 11.76 acres were removed from the middle portion of the 37 acre overall site and a new development plan was created for the 11.76 acre portion to allow for the development of a Banner Health Center. As such, the current request under Z13-08 for the Gilbert Town Center will rezone the remaining undeveloped 25.3 acres.

The original approval for the overall 37 acre site of the Gilbert Town Center under Z05-14 (Ord. No. 1689) included 179,000 sq. ft. of commercial uses with 1,206 total residential units of lofts over retail and six (4-5 story) condominium buildings in a cohesive and integrated design with focal points and plaza, connected with large promenades, parking structures and significant urban type density with park areas and pedestrian linkages to all the surrounding uses that complemented the nearby commercial and municipal uses and the overall site as an integrated development.

In order to alter this approved development plan, the applicant is requesting a rezoning that includes multi-family apartments in the Regional Commercial (RC) zoning district. The proposed deviations include eliminating the 3rd story building step-back requirement within 100' of residentially designated property, and decreasing the front and side yard building and landscape setbacks, as noted below in the Site Development Standards Table below.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning	Existing Use
North	General Commercial (GC)	GC	Warner Road then existing Commercial Uses and Charter School.
South	Public Facility/ Institutional (PF/I)	PF/I	Palm Road alignment then Town of Gilbert Municipal Center Campus.
East	General Commercial (GC) Residential > 8-14 Residential > 3.5-5	GC MF/L SF-6	Civic Center Drive then existing Commercial/ Retail, Multi-family and Single Family Residential Uses.
West	Shopping Center (SC)	SC	Gilbert Road then existing Retail.
Site	Regional Commercial (RC)	RC	Undeveloped surrounding existing Banner Health Center development.

Site Development Standards:

	Previous Development for Gilbert Town Center (Z05-14 and UP05-12)	LDC Conventional RC	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Zoning District:	RC PAD	RC	RC PAD
Number of Residential Units	1,206 units/ 37 acres 32.5 DU/ Acre	N/A	256 units/ 13.72 acres 18.65 DU/ Acre
Commercial Uses (sq. ft.)	179,000 sq. ft.	N/A	6-8 buildings of Retail and Office uses. Unknown square footage.
Landscape/ Open Space Area (%)	52%	15%	43%
Maximum Height (ft.)/Stories	65' / 5-stories	55'	37'3" / 3-stories
Building Step-back	N/A	Required: Where a building in the RC is within 100' of property designated for residential use in the General Plan. A building step-back of 1-foot for every 1-foot of building height above 2 stories or 35 feet is required. (Step-back at 3 rd story)	No Building Step-back
Minimum Building Setbacks:			
Front (Civic Center)	25'	25'	10'
Side (Palm Street)	20'	20'	10'
Rear	20'	20'	20'
Minimum Landscape Setbacks:			
Front (Civic Center)			20'*
Side (Palm Street)	25'	25'	20'*
Rear	20'	20'	20'

Building Lot Coverage	28%	60% single story 50% two/ three-story	29% two/ three-story
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*20' landscape setback required except where buildings located with a 10' setback.

CONFORMANCE WITH GENERAL PLAN

The Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities. Staff finds that the proposal does not conform to the General Plan goal to “promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept does not contain several notable features in order to respond to the General Plan’s policies:

- Overall traffic circulation needs are not well balanced between vehicles and pedestrians with the goal of creating a pedestrian-oriented neighborhood and convenient employment/ retail centers.
- The plan does not interconnect neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes, but rather creates three unique parcels with different uses vs. an integration of uses and parcels.
- Residential/non-residential land use transitions are not integrated together and existing residential uses are not protected from negative impacts of more intense uses with the requested deviations.
- The project does not make strategic use of open space and has minimal active and passive open space with a lack of gather areas that are typically associated with an integrated mixed-use development plan.

Staff does not support the requested development plan as the site design does not achieve a more sustainable development in Gilbert’s civic core. Several sections of the Gilbert General Plan including the Land Use, Circulation and Economic Development contain policies and directions relevant to the Land Use amendment proposal. (See Attachment 6, General Plan Policy Review).

REZONING

The Gilbert Town Center rezoning request under Z13-08, is essentially amending past Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove the 25.3 acre subject site at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD), to approve a new development plan to construct multi-family apartments, and to rezone the subject site from Regional Commercial (RC) zoning district with a PAD Overlay to Regional Commercial (RC) with a PAD Overlay.

The reason for the rezoning request under Z13-08 is that under the approval for the Gilbert Town Center Conceptual Development Plan (Z05-14/ Ordinance No. 1689) on October 25, 2005, the approved conceptual development plan was for the overall 37 acre subject site. In order to alter this approved development plan, a rezoning must occur for the overall site or a portion of the subject site.

The applicant is requesting to rezone the site with a development plan demonstrates a combination of retail services and office space with approximately 6-8 buildings on the 11.5 acre northwestern parcel (Parcel 1) with access to Gilbert and Warner Roads as well as Palm Street and the Banner Health Center parcel to the east. The applicant is also proposing to develop and construct multi-family apartments on the 13.72 acre southeastern parcel (Parcel 2). Under the LDC Commercial Zoning District, Section 2.303 (L7), Multi-family Residential Uses are permitted in the Regional Commercial (RC) zoning district, however the LDC states the use is ***“Only permitted as part of an integrated, mixed-use plan and a Conditional Use Permit is required”***. The applicant is requesting both a rezoning and conditional use permit on the subject site to allow a multi-family use as part of an integrated mixed-use development. Staff notes that a formal Design Review Board application will be required for the actual development of the site, ensuring all development standards are met for the site, which if approved would be heard by the Design Review Board at a future date.

Because the applicant is requesting multi-family apartments in the RC zoning district, the site design must clearly demonstrate an integrated mixed use development plan, regardless of any type of private use restrictions on the property and regardless of if there were previously approved residential uses in the RC zoning district. Findings for the use permit will address an efficient integration of mixed uses, sustainability through compact design, pedestrian scale and orientation, and transportation and connectivity.

Additionally, when the current land owner for the 25.3 acre subject site under Z13-08 and UP13-04 previously requested to rezone the site for the Banner Health Center, this removed the by-right development of the previously approved Gilbert Town Center mixed use development and created the need for redesign of the vertical mixed uses. However, staff believes that the plan proposed under Z13-08 has no vertical mixed use elements and is attempting to rely on horizontal mixed-use and creating an isolated multi-family apartment site design.

STAFF EVALUATION

In staff’s evaluation, the proposed exhibits under Z13-08 for the rezoning do not currently demonstrate an integrated mixed use plan for the property include the following:

- Integration
- Sustainability through Compact Design
- Pedestrian Scale and Orientation
- Transportation and Connectivity
- Density
- Deviations
- Self-Imposed Use Limitations

INTEGRATION

An integrated mixed-use development plan requires aspects like unique compact and pedestrian scale site design, integrated open space, public gathering areas and vehicular and pedestrian access and circulation, trails and connectivity for the entire 37 acre subject site. The proposal,

however, does not provide for an efficient design that cultivates the intended sense of a live, work, and play environment.

SUSTAINABILITY THROUGH COMPACT DESIGN

Staff finds that the proposed development plan provides a layout and design that relies predominantly upon automobiles for ingress and egress of the subject site and provides for a standard, stand-alone apartment complex design and does not meet demonstrate sustainability through compact design. The applicant has proposed a 6' wide decomposed granite pathway "fitness trail" is essentially the sole method of integration and outdoor gathering area between the proposed multi-family parcel and the remainder of the overall 37 acre site. This is the feature that the applicant believes complies with the use permit findings of fact related to compact design and pedestrian scale and orientation. A secondary decomposed granite pathway is shown on the use permit exhibits. The proposed parking for the apartment buildings does appear to comply with the parking requirements for multi-family residential uses under the LDC.

PEDESTRIAN SCALE AND ORIENTATION

Staff believes that the proposed development plan exhibits do not provide for or meet the intent of this design requirement. The proposed development plan essentially creates a stand-alone multi-family development, predominately isolated from the remainder of the overall Gilbert Town Center site. The applicant has proposed a 6' wide decomposed granite fitness pathway in order to connect the municipal complex to the north between the Banner Health Center parcel and the proposed multi-family parcel as essentially the sole method of integration between the proposed multi-family parcel and the remainder of the overall 37 acre site.

The previously approved development plan and use permit for Gilbert Town Center under Z05-14 and UP05-12 provided a tremendous amount of usable open space, walkways/ trails, pedestrian plazas and gathering areas, created density and integration with the overall site for pedestrian oriented building designs and elements include sidewalk widths and locations, pedestrian coverings and building fronts, upper story activities overlooking the street, pedestrian plazas and connections, pedestrian amenities, scale and fenestration. The proposed development plan lacks the previous integration and density to the overall site for a number of reasons discussed in this staff report. Additionally the applicant is requesting deviations from the reduced RC zoning setbacks for the 3-story apartment buildings and the step back requirement at the 3rd floor building elevations adjacent to existing residential. The apartments will then be pushed forward, closer to the adjacent streets and fenced for security creating further detachment from the overall site with no pedestrian or integration benefit to the overall site.

TRANSPORTATION AND CONNECTIVITY

The proposed project has not demonstrated appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles. Staff notes that when the 13 acre Banner Health Center site was rezoned in May of 2012 under Ordinance No. 2368, the original intent was for Banner in coordination with the proposed multi-family parcel/ southeast parcel (Parcel 2) to develop and improve a drive aisle between the two parcels and provide a secondary vehicular connection between Palm Street and Civic Center Drive. This was the reason for creating the Banner Health Center parcel shape as it is and the remaining southeast parcel (Parcel 2). The proposal under Z13-08 no longer provides for this access drive and staff believes this further

detracts from the connectivity of the site as there will now be no north-south vehicular connection until such time as the northwestern (Parcel 1) develops, which will not help with the traffic impact of the proposed multi-family use on the southwest parcel (Parcel 2).

DENSITY

Under the previously approved Z05-14/ UP05-12 there were 1,206 residential units, with lofts over retail/ commercial uses and buildings with heights of 5-stories and 65' in height and the use of parking garages on the overall site. Additionally there were outdoor promenades, plazas and open space amenities that were shared amongst the overall 37 acre site, creating a true mixed used development on the site. The current proposal (Z13-08 and UP13-04) would include 256 unit apartment complex with 11 apartment buildings, 2-3 stories in height. This requested change constitutes a distinct difference from the original mixed use development proposal for Gilbert Town Center. Additionally there would be the loss of 13.72 acres of commercial uses without the benefit of creating a more regional draw on one of the most significant corners in the Town of Gilbert. It was clearly not the intent of the MF in the RC zoning allowance in the LDC to provide a typical standard, suburban multi-family development as is proposed under Z13-08.

DEVIATIONS

Requested under Z13-08, there are deviations to reduce building and landscape setbacks from 25'/ 20' to 10' as well as requesting to eliminate the requirement for a building step-back within 100' of residential designated property. Please refer to the Site Development Standards table above. The applicant is requesting deviation from setback of the proposed 3-story apartment buildings as well as requesting to not require a 10' building step-back for a building over 2-stories in height within 100' of property designated as residential. A building step-back of 1-foot for every 1-foot of building height above 2 stories or 35 feet is required. Staff notes that a 10' building step-back is also required at the 3rd floor of an apartment building in the MF/L and MF/M zoning districts, similar to the requirement in the RC zoning district.

Staff was not able to find that the proposed development plan provided suitable benefit to the Town that would justify any such deviations from the requirements of the LDC. The proposed development plan does not provide a unique or an integrated mixed use development that could potentially justify the need for any deviations. Additionally staff notes that the setback required for Z13-08 are RC setbacks, the setbacks required by a typical MF/M zoning district would be increased even further by 5' additional feet than what is required under the RC zoning district. The applicant is only required to meet the RC zoning district setbacks but still requires deviations. Again, staff is of the opinion that there is not a suitable justification that should allow such a deviation for a typical multi-family apartment complex.

SELF-IMPOSED USE RESTRICTIONS

The land owner of the overall 37 acre property allowed for some limited use restrictions related to the Banner Health Center site, on the remaining 25.3 acre site, for a limited period of time through a recorded private "Declaration of Covenants and Use Restrictions" with an "effective date" of April 27, 2012. However, this restriction is not something enforceable by the Town of Gilbert and furthermore was self-imposed by the overall land owner of the 37 acre parcel, who is now the current land owner of the remaining 25.3 acre site that is a part of Z13-08.

PLANNING COMMISSION JUNE 5, 2013 STUDY SESSION

At the June 5, 2013 Planning Commission Study Session, Z13-08 and UP13-04 were discussed and reviewed. Comments from the Planning Commission included that the original development plan for Gilbert Town Center was intended to have a live, work, play feel and design with retail and lofts above; Banner Health Center site wanted to be secure and limited the ability to integrate the site; if multi-family were a feasible use or the best use for the subject site; and that if multi-family were to be feasible for the subject site it needed to be more integrated. (See Attachment 9).

PUBLIC NOTIFICATION AND INPUT

A neighborhood meeting was held on November 8, 2012. Comments focused on including on-site outdoor recreational amenities for future apartment users and timing of construction of the site. The applicant has also met informally with the adjacent HOA and local residents prior to the September 3, 2014 Planning Commission hearing.

Staff has received no input from surrounding neighbor's at the time this report was written. The applicant notes that representatives from the Banner Health Center are supportive of the request to eliminate the previously designed private access drive connecting Palm Street and Civic Center Drive between the proposed apartment site and the Banner Health Center site in order to connect the municipal center to the north. The provided email notes that Banner is also supportive of a cross access easement from the Banner Health Center site to the northwest parcel (Parcel) as well as a pedestrian trail across the retention basin of the Banner Health Center site.

SCHOOL DISTRICT COMMENTS

No comments have been received. The project was routed to the Gilbert School District and to date there has been no response/ comment.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. These waivers are located in the case file.

REASONS FOR RECOMMENDATION

1. The proposed zoning amendment does not conform to the General Plan, any applicable neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.

4. The proposed rezoning does not effectively support the Town's strategic initiative for Community Livability.

STAFF RECOMMENDATION

For the following reasons: the development proposal does not conform to the intent of the General Plan and cannot be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend **denial** to the Town Council for Z13-08 Gilbert Town Center, to amend Ordinance Nos. 427, 617, 725, 1287 and 1689 by removing from the Settler's Point Planned Area Development (PAD) and the Gilbert Town Center PAD approximately 25.3 acres of real property generally located at the southeast corner of Gilbert Road and Warner Road; to approve the Development Plan for the Gilbert Town Center PAD; and to rezone from Regional Commercial (RC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay.

Respectfully submitted,



Nathan Williams
Planner II

Attachments:

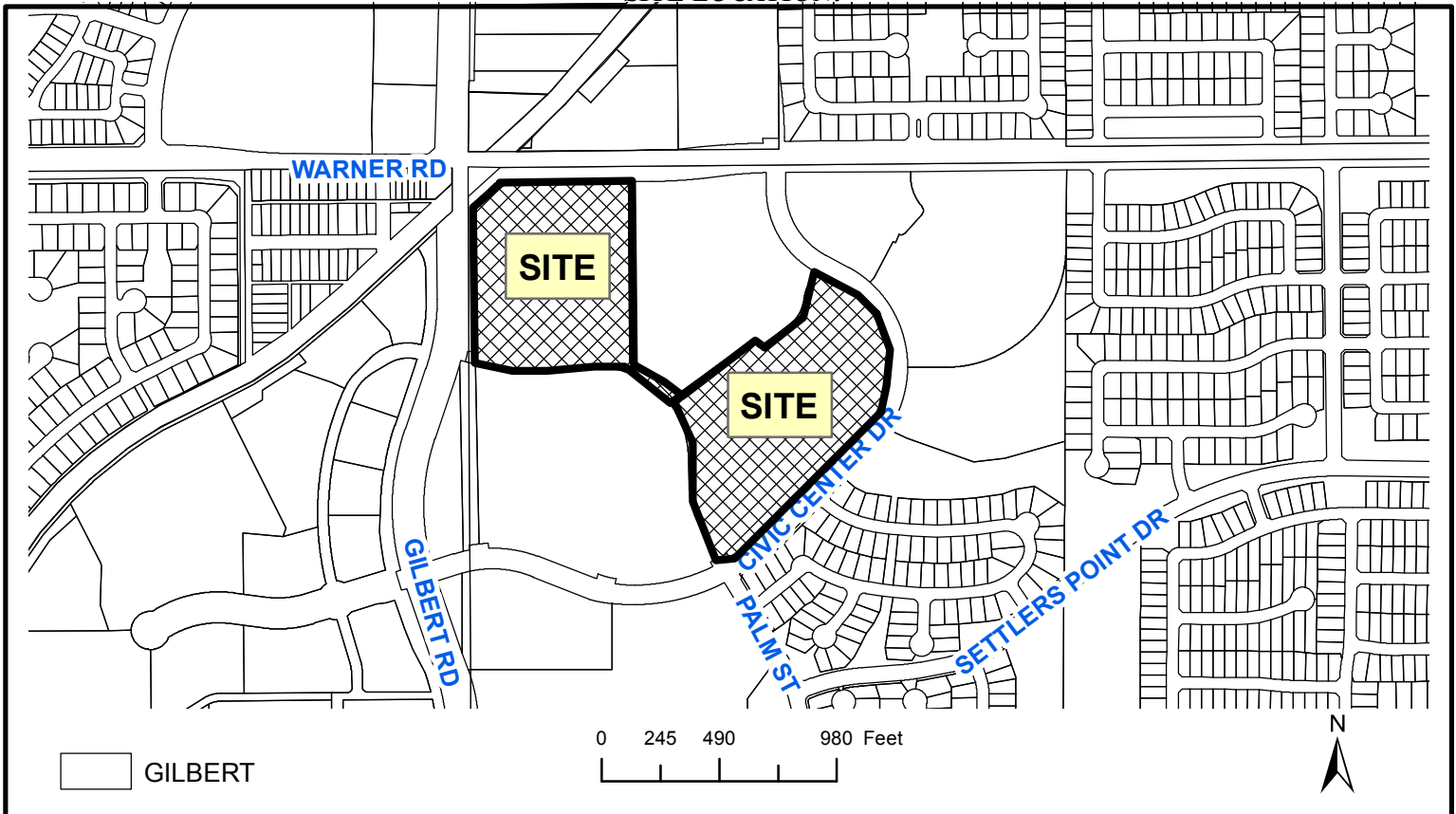
1. Notice of Public Hearing Map
2. Aerial Photo
3. Development Plan for Z13-08
4. Zoning Exhibit for Z13-08
5. Email Correspondence from Banner (4 pages)
5. UP13-04 Exhibits – Reference Only (11 pages)
6. General Plan Policy Review (2 pages)
7. Previous Development Plans and Exhibits under Z05-14 & UP05-12 (4 pages)
8. Previous Project Narrative under Z05-14 (8 pages)
9. Planning Commission for Z05-14 Minutes from October 5, 2005 (10 pages)
10. Planning Commission SS Minutes for Z13-08/ UP13-04 from June 5, 2013 (4 pages)

September 3, 2014

Notice of Public Hearing**PLANNING COMMISSION DATE:****Wednesday, September 3, 2014* TIME: 6:00 PM****TOWN COUNCIL DATE:****Thursday, September 25, 2014* TIME: 7:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive***** Call Planning Department to verify date and time: (480) 503-6700*****REQUESTED ACTION:***

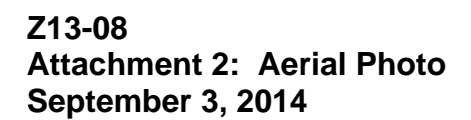
Z13-08: Gilbert Town Center Mixed Use: Request to amend Ordinances Nos. 427, 617, 725, 1287, and 1689 pertaining to the Settler's Point Planned Area Development (PAD) and the Gilbert Town Square PAD by removing from the Settler's Point PAD and Gilbert Town Square PAD approximately 25.3 acres of real property consisting of approximately 25.3 acres of Town of Gilbert Regional Commercial (RC) zoning district, all with a Planned Area Development overlay zoning district, generally located at the southeast corner of Gilbert Road and Warner Road; approving the Development Plan for the Gilbert Town Center Planned Area Development; and changing the zoning classification of said real property from 25.3 acres of Town of Gilbert Regional Commercial (RC) with a Planned Area Development overlay zoning district to 25.3 acres of Town of Gilbert Regional Commercial (RC), all with a Planned Area Development overlay zoning district, as shown on the map which is available for viewing in the Planning and Development Services Office; and to modify the development regulations of the southeast parcel (Parcel 2) as follows: eliminate building step-back requirements, decrease front and side building setbacks, increase rear building setbacks, and decrease landscape setbacks adjacent to proposed buildings. The effect of the rezoning will be to allow the real property to be developed for an integrated mixed use development to allow for multi-family housing subject to the development standards for the Regional Commercial (RC) zoning district with modified step-back and setback requirements.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

SITE LOCATION:

APPLICANT: Beus Gilbert PLLC
CONTACT: Paul E. Gilbert / Dennis M. Newcombe
ADDRESS: 701 North 44th Street
Phoenix, AZ 85008

TELEPHONE: (480) 429-3065
E-MAIL: dnewcombe@beusgilbert.com





Gilbert Holdings
Gilbert, Arizona

Zoning

GREY|PICKETT
October 15, 2013

This document is confidential and contains information that is not to be distributed outside of the intended recipients. If you are not an intended recipient, please do not disseminate or use this information.

This map is for informational purposes only.

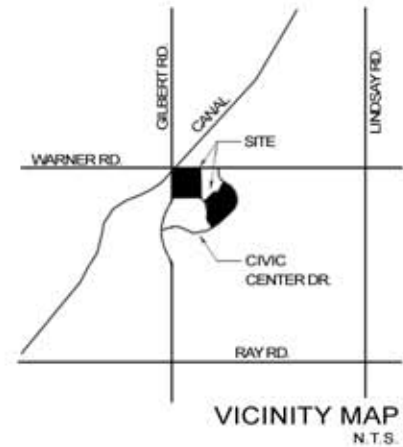
Project Data

Northwest Parcel (Parcel 1): 11.58 Net Acres
 Southeast Parcel (Parcel 2): 13.72 Net Acres

Total Site Area: 25.30 Net Acres
 General Plan Designation: RC
 Current Zoning: RC w/ PAD Overlay
 Proposed Zoning: RC w/PAD Overlay (Amended)

Property Owner

AZ Gilbert Holdings LLC/
 Lehman Brothers Holdings, Inc.
 3224 Peachtree Road, Suite 2200
 Atlanta, GA 30326-1156
 Contact: Christopher Bley
 Phone: 310-500-3534



PAD Table

Northwest Parcel (Parcel 1) - Development Standards: RC (Per LDC with no PAD modifications.)
 Southeast Parcel (Parcel 2) - Development Standards: RC (Per LDC with the following PAD modifications.)

1. No Building Step-back

2. Building/Landscape Setbacks:

Front (Civic Center)

Rear (Banner)

Side (Palm Street)

Proposed Bldg.

10'

20'

10'

Proposed Landscape*

20'

20'

20'

*Except where there are buildings then per proposed bldg. setback.

Z13-08

**Attachment 3: Development
 Plan for Z13-08**

September 3, 2014

Case: Z13-08

Project Data

Northwest Parcel (Parcel 1):	11.58 Net Acres
Southeast Parcel (Parcel 2):	13.72 Net Acres
Total Site Area:	25.30 Net Acres

General Plan Designation: RC
Current Zoning: RC w/PAD Overlay
Proposed Zoning: RC w/PAD Overlay (Amended)

Property Owner

AZ Gilbert Holdings LLC/
Lehman Brothers Holdings, Inc.
3224 Peachtree Road, Suite 2200
Atlanta, GA 30326-1156
Contact: Christopher Bley
Phone: 310-500-3534

Site Plan Details:

- NORTHWEST PARCEL (Parcel 1):** EXISTING ZONING: RC WITH PAD OVERLAY; PROPOSED ZONING: RC WITH PAD OVERLAY. NOT A PART.
- SOUTHEAST PARCEL (Parcel 2):** EXISTING ZONING: RC WITH PAD OVERLAY; PROPOSED ZONING: RC WITH PAD OVERLAY. NOT A PART.
- TRAJECT 2:** PER MAP OF DEDICATION BOOK 343, PAGE 14, M.C.R. A.P.N. 304-24-006A A.P.N. 304-24-006B A.P.N. 302-82-018B
- BANNER HEALTH CENTER:** NOT A PART. ZONED RC WITH PAD OVERLAY.
- PALM LANE:** (PROPOSED 33' HALF R.O.W.)
- PALM ST.:** (PROPOSED 33' HALF R.O.W.)
- CIVIC CENTER DR.:** (PROPOSED 33' HALF R.O.W.)
- GILBERT ROAD:** (PROPOSED 33' HALF R.O.W.)
- WARNER RD.:** (PROPOSED 33' HALF R.O.W.)
- COOPER RD.:** (PROPOSED 33' HALF R.O.W.)
- UNSAT RD.:** (PROPOSED 33' HALF R.O.W.)
- RAY RD.:** (PROPOSED 33' HALF R.O.W.)

Scale: 1" = 100'

North Arrow: North

VICINITY MAP: N.T.S.

Site Consultants, Inc.
ENGINEERS • SURVEYORS • CONSULTANTS
113 SOUTH ROCKWOOD DRIVE, TEMPE, ARIZONA 85281
TEL: (480) 884-2820, FAX: (480) 884-2847

ZONING EXHIBIT
S.E.C. WARNER RD. & GILBERT RD.
GILBERT, ARIZONA

PROJECT NO.: 1916
SCALE: 1" = 100'
DRAWN BY: HTO
CHECKED BY: GES
DATE: 05-20-2014
DWG: 1916-V-ZONING EX

Z13-08
Attachment 4: Zoning Exhibit for Z13-08
September 3, 2014

Edwards, Kip C

Subject: FW: Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert
Attachments: Masterplan.pdf; Access example.pdf

From: Jeanette Williams [<mailto:jwilliams@beusgilbert.com>] **On Behalf Of** Paul E. Gilbert
Sent: Thursday, August 21, 2014 9:04 AM
To: Edwards, Kip C; Paul Klumb (paulklumb@consultpck.com) (paulklumb@consultpck.com)
Cc: Dennis Newcombe
Subject: Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert

Gentlemen:


As you are aware, we represent Lehman Brothers in conjunction with the above-referenced entitlement applications in the Town of Gilbert. We appreciated your meeting with us to discuss the above-referenced applications. These applications request approval for 256 multifamily units to be built by Alliance, one of the premiere apartment building developers in the Valley. This correspondence will summarize our discussion yesterday in which it was agreed that we will incorporate the following changes to our site plan and attendant zoning and use permit cases. I am attaching to this correspondence an overall site plan/aerial photograph showing the original 37 acres owned by Lehman Brothers with the middle parcel previously purchased by Banner and the remaining two parcels (25.30 acres) currently owned by Lehman on both sides of the Banner parcel. We are proposing a health and fitness trail to be built on the proposed Alliance property with the necessary attendant fencing enclosing/securing the apartment area only. This, of course, will be entirely at Lehman/Alliance's sole cost and expense. Additionally, we propose the elimination of the driveway connecting Civic Center Drive to Palm Street as originally requested by the Town and shown on Banner's Design Review Board approval (i.e., on one-half to be built by Alliance/Lehman and one-half to be built by Banner). Furthermore, as shown on the attached graphic, we will not be allowing any shared vehicular access points with the Banner/Alliance property. However, as discussed and agreed, we are proposing a vehicular access point as shown generally on the attached drawing to facilitate vehicular access for Banner to Palm Street and subsequently to Gilbert Road. This access will consist of a mutually agreed easement accommodating vehicular access for the Banner property through Lehman's retail property at Gilbert and Warner Roads. Furthermore, we will restrict the corner retail parcel to retail development only, consistent with the commitment we have made with the Town of Gilbert to do so.

We also discussed placing an additional pedestrian trail across the PUE adjacent to your retention basin area facilitating pedestrian access from the health and fitness trail and beyond. It is agreed that this pedestrian pathway will not affect or interfere with your drainage functions in any manner and will be installed at the sole cost and expense of Lehman brothers.

Lastly, this will also confirm, as we discussed, that we may inform the Town of Gilbert subject to the terms and conditions set forth above that Banner is in support of referenced Cases No.'s Z13-08 and UP13-04.

Please feel free to call and discuss the contents of this correspondence if we have not accurately or completely stated all of the terms and conditions of our agreement and we will carefully and promptly make any supplement deemed necessary to accurately reflect our discussions on August 19, 2014. Assuming you find this correspondence consistent with our discussions, I would appreciate your signing below and returning a copy of this correspondence to the undersigned.

Thank you again for meeting with us and for your cooperation on this matter. We surely believe this is a win/win situation for both Banner and Lehman.



Kip Edwards

Vice President of Development and Construction
Banner Health

8/25/14

With appreciation,

Paul E. Gilbert

BEUS GILBERT PLLC

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Gilbert Holdings
Gilbert, Arizona

Masterplan

GREEY|PICKETT

June 17, 2014

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Banner Health
Center

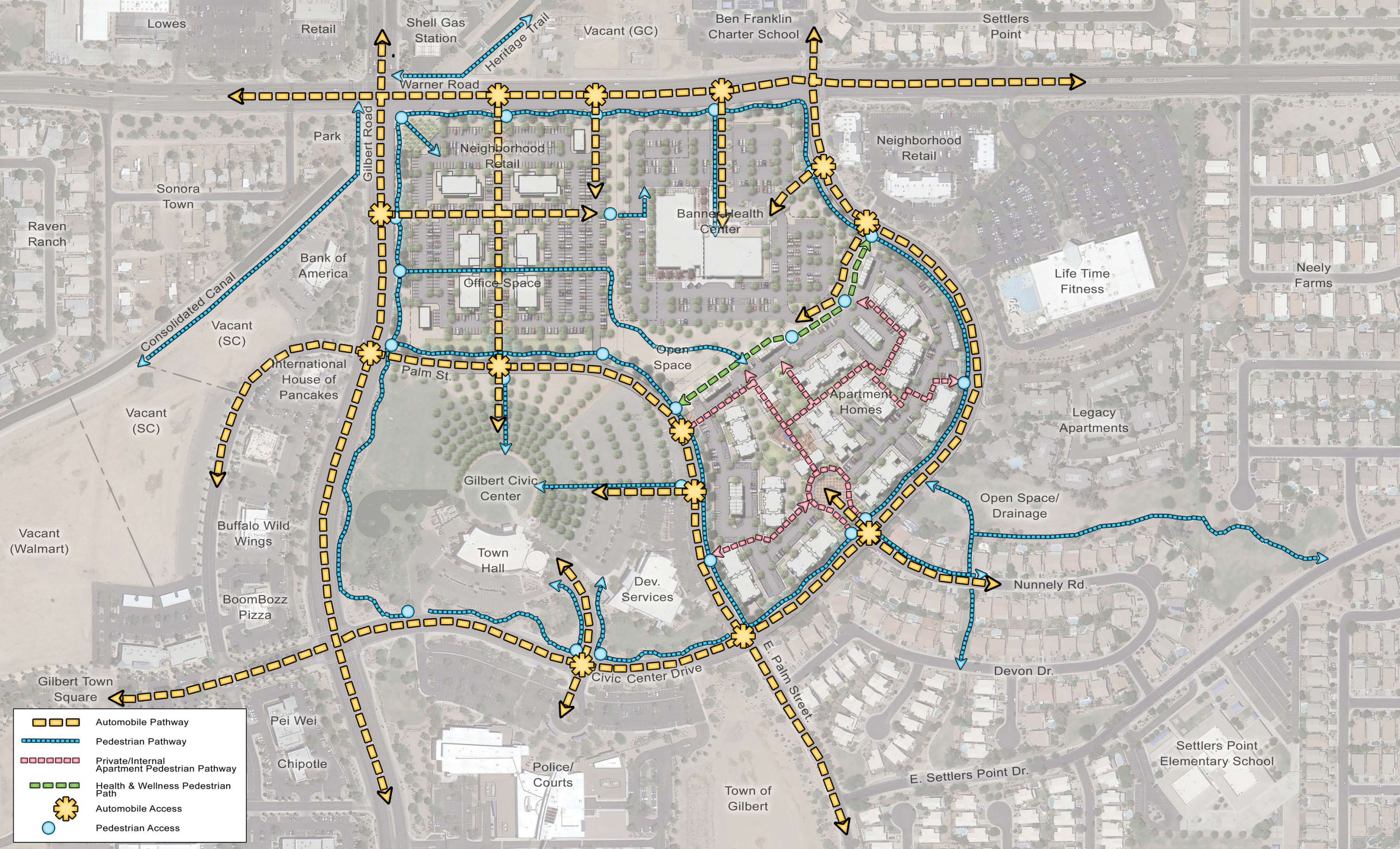
Health &
P

Open
Space

Office Space







Automobile Pathway

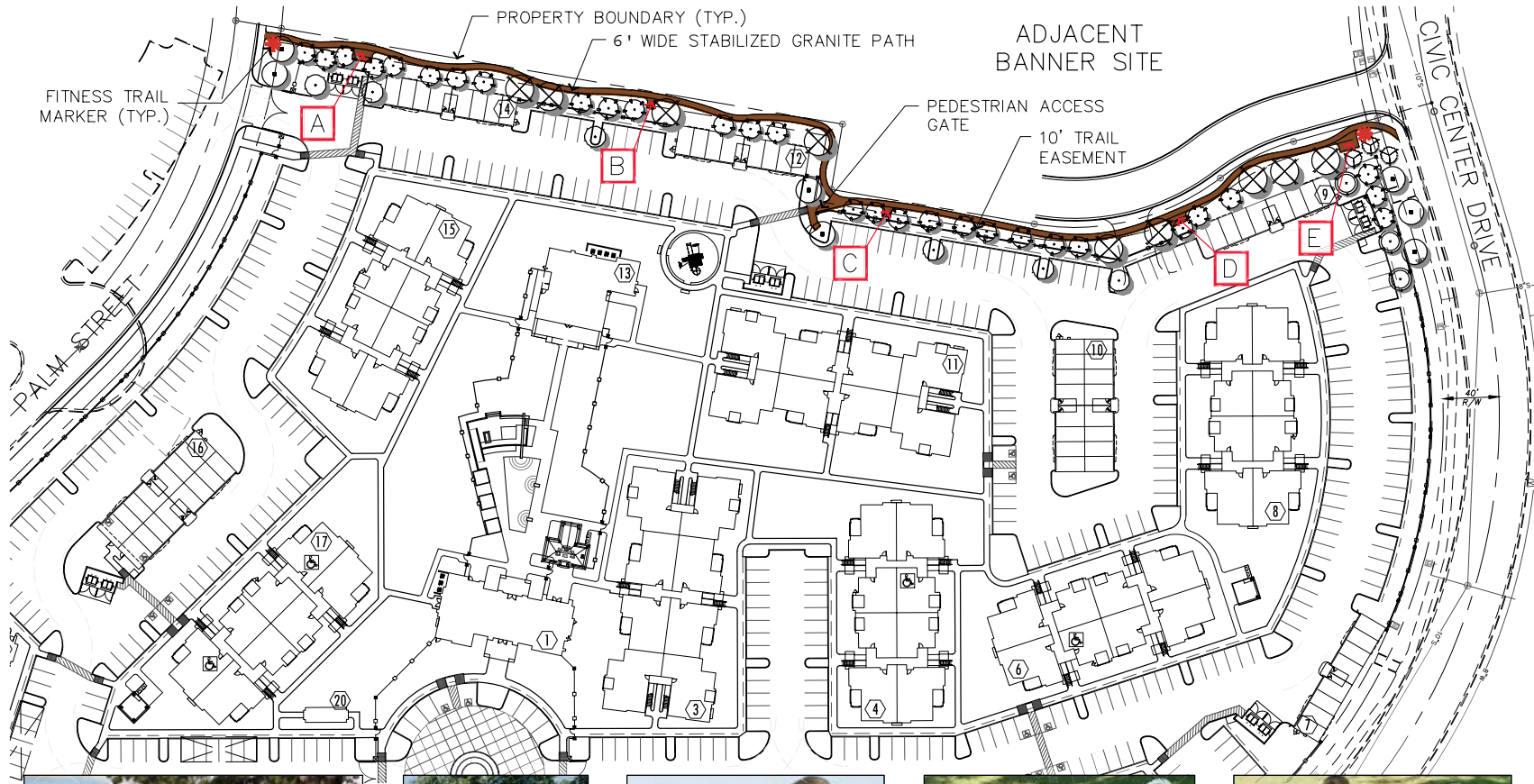
Pedestrian Pathway

Private/Internal Apartment Pedestrian Pathway

Health & Wellness Pedestrian Path

Automobile Access

Pedestrian Access



CIVIC CENTER FITNESS TRAIL

0' 40' 80' 160'

SCALE: 1" = 80'-0"



GILBERT CIVIC CENTER
GILBERT, ARIZONA

Office of Rich Barber Architecture, LLC
ORB

ALLIANCE
RESIDENTIAL COMPANY

COLLABORATIVE V
DESIGN STUDIO INC.
7116 EAST 1ST AVE., SUITE 103
SCOTTSDALE, ARIZONA 85251
OFFICE: 480-347-0590
FAX: 480-656-6012

DATE: JUNE 27, 2014

CONCEPT

CIVIC CENTER TRAIL PLAN
PRELIMINARY



BLDG TYPE 1



CORNICE TREATMENT



STREET ACCESS



FRONTYARD ENTRIES



COLOR VARIETY



PARAPET WALLS



FRONTYARD GATE



ENTRY ACCENTS



METAL TRIM



BLDG TYPE 2

GILBERT CIVIC CENTER

GILBERT, ARIZONA

Office of Rich Barber
ORB
Architecture, LLC

WorldHQ@ORBArch.com



ALLIANCE
RESIDENTIAL COMPANY

REVISIONS

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DATE: JUNE 27, 2014 ORB # 13-206

**INTEGRATION
ELEMENTS**

FILE:1: \Orb\ORB Job Files\13-206_AR_Gilbert Town Hall\CAD files\Preliminary\13206_A301_Bldg5 Elev.dwg USER: rjb DATE: Jun, 27 2014 TIME: 08:47 am

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GILBERT
CIVIC CENTER
GILBERT, ARIZONA



WorldHQ@ORBArch.com












































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DATE: JUNE 27, 2014 ORB # 13-206

INTEGRATION
ELEMENTS

GILBERT CIVIC CENTER PLANT LEGEND

BOTANICAL NAME	COMMON NAME		
TREES		SHRUBS	
 Acacia anura	Mulga	 Bougainvillea x hybrid 'Alexandra'	Alexandra Bougainvillea
 *Acacia salicina 'Doris D'	Weeping Acacia	 Bougainvillea x hybrid 'Torch Glow'	Torch Glow Bougainvillea
 Caesalpinia gilliesii	Yellow Bird of Paradise	 Caesalpinia mexicana	Yellow Bird of Paradise
 Ebenopsis ebano	Texas Ebony	 Dodonaea viscosa	Hopseed Bush
 Phoenix dactylifera	Date Palm	 Dodonaea viscosa 'Purpurea'	Purple Hopseed Bush
 Olneya tesota	Desert Ironwood	 Hamelia patens	Firecracker Plant
 *Prosopis x 'Rio Salado'	Rio Salado Mesquite	 *Eremophila hygrophana 'Blue Bells'	Blue Bells
 *Quercus virginiana 'Heritage'	Southern Live Oak	 *Leucophyllum frutescens 'Green Cloud'	Green Cloud Ranger
 *Parkesonia hybrid 'Desert Museum'	Desert Museum	 Nerium oleander 'Compacta'	Little Red Oleander
 Prunus cerasifera	Purple Leaf Plum	 Ruellia peninsularis	Baja Ruellia
 *Ulmus parvifolia	Evergreen Elm	 *Tecoma hybrid 'Bells of Fire'	Bells of Fire
 Washingtonia x 'Filibusta'	Hybrid Fan Palm	 *Tecoma hybrid 'Orange Jubilee'	Orange Jubilee
ACCENTS/VINES		GROUND COVERS	
 Aloe x 'Topaz'	Topaz Aloe	 *Lantana hybrid 'Dallas Red'	Dallas Red Lantana
 *Agave weberi	Weber's Agave	 *Lantana hybrid 'New Gold'	New Gold Lantana
 Dasylirion texanum	Green Desert Spoon	 *Lantana montevidensis	Purple Trailing Lantana
 Echinocactus grusonii	Golden Barrel Cactus	 Penstemon baccharifolius	Evergreen Penstemon
 *Hesperaloe parviflora	Red Yucca	 Lonicera japonica 'Halliana'	Hall's Honeysuckle
 *Hesperaloe parviflora 'Perpa'	Brakelights Red Yucca	 *Rosmarinus officinalis 'Pyramidalis'	Upright Rosemary
 *Hesperaloe funifera	Giant Hesperaloe	 Teucrium chamaedrys	Germander
 *Muhlenbergia capillaris 'Regal Mist'	Regal Mist	 Wedelia trilobata	Wedelia
 Phoenix roebelenii	Pigmy Date Palm	Seasonal Annuals	Seasonal Annuals

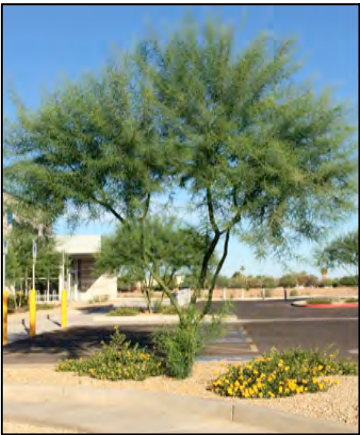
*INDICATES PLANTS USED AT ADJACENT BANNER HEALTH SITE (INCLUDING HYBRID VARIETIES AND SPECIES WITH SAME GENUS)



MESQUITE AS PERIMETER TREE AT BANNER HEALTH



LIVE OAK AS PARKING LOT TREE AT BANNER HEALTH



DESERT MUSEUM PALO VERDE AT BANNER HEALTH



DESERT MUSEUM PALO VERDES AND MESQUITE AT ENTRY TO BANNER HEALTH



WILLOW ACACIA AT BANNER HEALTH

GILBERT CIVIC CENTER
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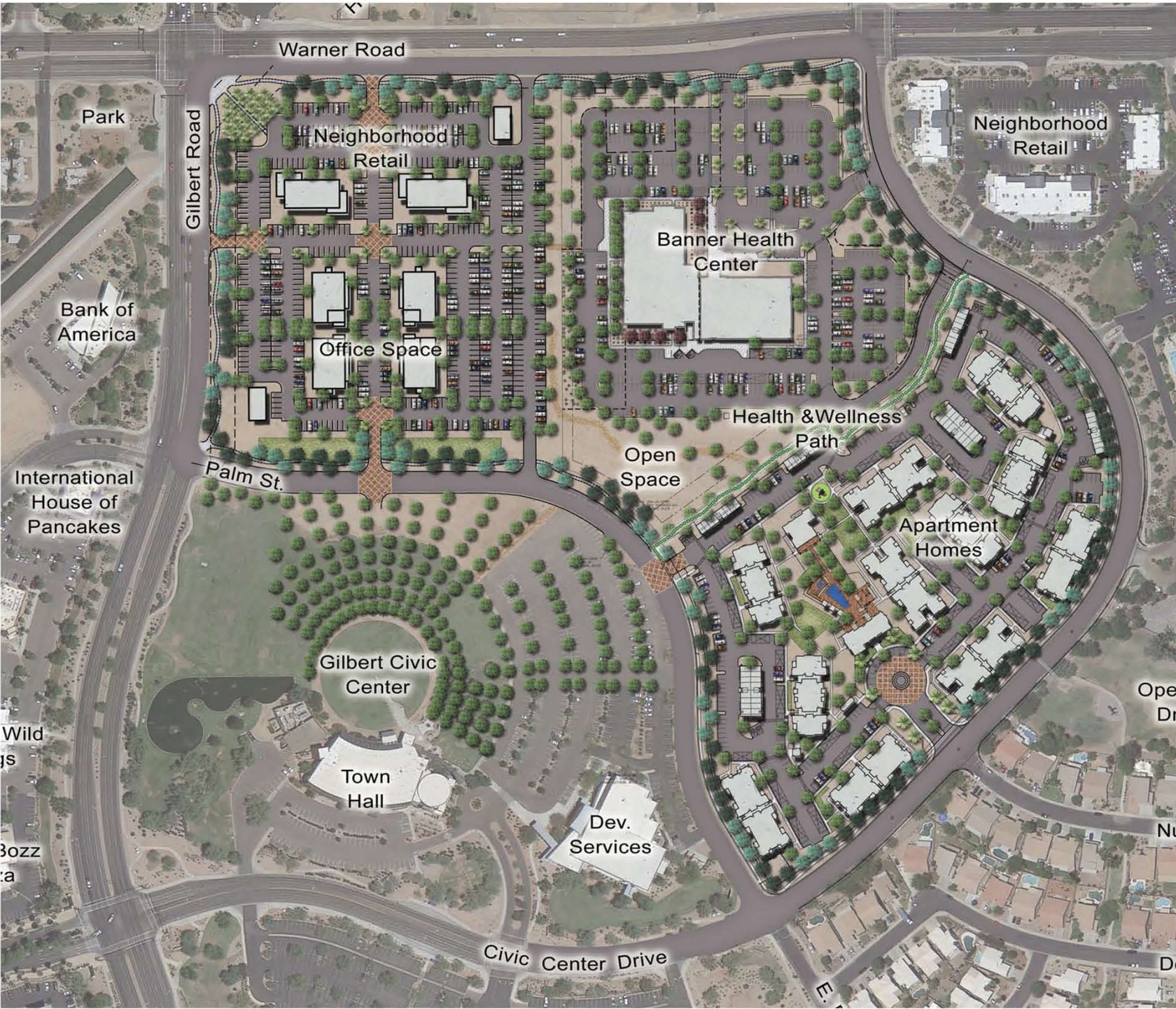
CONCEPT

LANDSCAPE INTEGRATION PLAN
PRELIMINARY

LANDSCAPE INTEGRATION PLAN



N.T.S.



Proposed Development Master Plan



Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area							
Gross Area	1,743,128 Square Feet	40.02 Acres					
Net Area	1,614,711 Square Feet	37.07 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet	
Planning & Zoning							
Current Zoning	RC PAD		RC PAD	RC PAD	RC	RC PAD	
Proposed Zoning	RC PAD		RC PAD	RC PAD	Not a Part	RC PAD	
Current General Plan	RC		RC	RC	RC	RC	
Proposed General Plan	RC		RC	RC	RC	RC	
Development Standards							
Building Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	10 Feet	(Palm Street)
Landscape Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	20 Feet	(Civic Ctr Drive*)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*)
							* Except Buildings
Building Height							
Maximum By Code	35 Feet/2 Story		35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	
Proposed Buildings	65 Feet/5 Story		Varies	35 Feet/2 Story		33 Feet / 3 Story	
Commercial Uses							
Commercial Area	146,600 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Offices	32,400 Square Feet	120 Units	NA	NA	NA	NA	
Total Commercial	179,000 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Uses							
Units	1,206 Units		256 Units	NA	NA	256 Units	
Square Footage	799,104 Square Feet	662.61	270,594 Square Feet	NA	NA	270,594 Square Feet	
Building Area Summary							
Total Residential & Commercial	978,104 Square Feet		445,304 Square Feet	87,300 Square Feet	87,410 Square Feet	270,594 Square Feet	
Residential Density	32.53 DU/Acre		7.00 DU/Acre	0.00 DU/Acre	0.00 DU/Acre	19.37 DU/Acre	
Commercial Density (FAR - Net)	11.09%		10.97%	17.31%	17.06%		
Building Coverage							
Maximum	50%			50%	50%	50%	
Percentage Proposed	28%			17%	17%	29%	
Landscape/Open Space							
Required	15%		15%	15%	15%	15%	
Provided	52%			40%	40%	43%	
Parking							
Residential	1,778		511	NA	NA	511	
Commercial	807		961	480	481	NA	
Total	2,585		1472	480	481	511	

Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
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Required	15%		15%	15%	15%	15%	
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Parking							
Residential	1,778		511	NA	NA	511	
Commercial	807		961	480	481	NA	
Total	2,585		1472	480	481	511	



STREETSCAPE PLANT MATERIALS LEGEND	
Plant Name	
Trees	
<i>Acacia salicina</i>	Willow Acacia
<i>Parkinsonia hybrid 'Desert Museum'</i>	Desert Museum Palo Verde
<i>Pistacia chinensis</i>	Chinese Pistache
<i>Prosopis hybrid 'Phoenix'</i>	Thornless Mesquite
<i>Quercus virginiana</i>	Southern Live Oak
<i>Ulmus parvifolia 'Allee'</i>	Allee Elm
Shrubs	
<i>Calliandra californica</i>	Red Fairy Duster
<i>Callistemon viminalis 'Little John'</i>	Bottlebrush
<i>Eremophila maculata 'Valentine'</i>	Valentine Shrub
<i>Leucophyllum frutescens 'Green Cloud'</i>	Green Cloud Sage
<i>Tecoma stans</i>	Yellow Bells
Groundcovers	
<i>Acacia redolens 'Low Boy'</i>	Trailing Acacia
<i>Lantana 'New Gold'</i>	New Gold Lantana
<i>Rosmarinus officinalis 'Prostratus'</i>	Dwarf Rosemary
Accents Cactus	
<i>Agave palmeri</i>	Palmer's Agave
<i>Hesperaloe parviflora-red</i>	Red Yucca
<i>Muhlenbergia capillaris 'Regal Mist'</i>	Regal Mist TM

	Feature Paving
	Focal Point
	Landscape Trees
	Specialty Palm
	Open Space/ Parks
	Health & Wellness Path

SITE PLAN NOTES

- ALL UTILITY LINES LESS THAN 89 KV ON OR CONTIGUOUS TO THE SITE SHALL BE INSTALLED OR RELOCATED UNDERGROUND.
- ALL TRASH ENCLOSURES SHALL INCLUDE FULLY OPERATIVE SCREENING GATES, ENCLOSED AND PAINTED TO MATCH THE ENCLOSURE. SCREENING GATES SHALL NOT OPEN INTO VEHICULAR DRIVE ALLEYS. TRASH ENCLOSURES ARE NOT REQUIRED IN INDUSTRIAL DISTRICTS IF LOCATED INSIDE AN ENCLOSED YARD WHICH IS SCREENED BY A PERIMETER WALL AT LEAST 8 FEET IN HEIGHT.
- ALL OUTDOOR STORAGE AREAS FOR STORAGE OF MATERIALS AND EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW BY AN 8' SOLID MASONRY WALL. INDUSTRIAL STORAGE SCREEN WALLS SHALL BE FINISHED WHERE THEY ARE EXPOSED TO PUBLIC VIEW FROM STREETS OR ADJACENT NON-INDUSTRIAL USES.
- S.E.S. PANELS AND ANY OTHER ABOVE GROUND UTILITY CABINET SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR FROM AREAS ACCESSIBLE TO CUSTOMERS AND THE GENERAL PUBLIC. SCREENING MAY BE ACCOMPLISHED BY ANY OF THE FOLLOWING METHODS:
 - FULLY RECESSED THE CABINET INTO THE BUILDING AND ENCLOSING IT BY A SOLID DOOR OR DOORS SEPARATE FROM THE CABINET.
 - SCREENING WITH A DECORATIVE MASONRY WALL OF THE SAME HEIGHT AS THE PANEL. THE SCREEN WALL MAY BE L-SHAPED, U-SHAPED, OR A STRAIGHT WALL PARALLEL TO THE CABINET, DEPENDING ON THE LOCATION OF THE CABINET.
 - AN ALTERNATIVE SCREENING METHOD APPROVED BY THE PLANNING DEPARTMENT PRIOR TO ISSUANCE OF ANY PERMITS.
- THE LOCATION OF ALL ELECTRICAL UTILITY EQUIPMENT SHALL BE IDENTIFIED ON THE CONSTRUCTION PLANS.
- ROOF-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY OTHER ONE OF THE FOLLOWING METHODS:
 - THE PARAPET WALL OF THE BUILDING SHALL EQUAL OR EXCEED THE HEIGHT OF THE MECHANICAL UNITS, OR
 - BY LOCATING THE MECHANICAL EQUIPMENT BEHIND THE ROOF PLACES IN THE CASE OF MANSARD, HIP OR OTHER THAN FLAT ROOF.
- ROOF MOUNTED MECHANICAL EQUIPMENT ENCLOSURES OR EQUIPMENT SCREEN WALLS SHALL NOT PROJECT ABOVE THE ROOF PARAPET TO THE EXTENT PERMITTED BY LAW. SATELLITE DISHES SHALL BE FULLY SCREENED BY A PARAPET WALL.
- GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR SURROUNDING COMMERCIAL USES BY A COMBINATION OF DECORATIVE WALLS AND AN EVERGREEN VEGETATIVE BELT EQUAL TO OR EXCEEDING THE HEIGHT OF THE EQUIPMENT.
- PNEUMATIC TUBES, WHETHER METAL OR PLASTIC, SHALL BE EITHER:
 - ENCLOSED IN PLASTICS, COLUMNS OR OTHER ARCHITECTURAL FEATURES OF THE CANOPY OR BUILDING, OR
 - ROUTED UNDERGROUND.
- ALL BROUFLON PREVENTION DEVICES LARGER THAN 2" SHALL BE SCREENED WITH LANDSCAPE LOCATED WITHIN A 6' RADIUS OF THE DEVICE. ALL BROUFLON PREVENTERS 2" OR SMALLER SHALL BE PLACED IN A LOCKED WIRE MESH GATE PAINTED TO MATCH THE PRIMARY BUILDING COLOR.
- ALL PRESTANDING LIGHT POLES SHALL:
 - BE LOCATED WITHIN LANDSCAPED AREAS OR PLANTER ISLANDS.
 - HAVE CONCRETE BASES PAINTED TO MATCH THE PRIMARY BUILDING COLOR, OR FINISHED TO MATCH PARKING SCREEN WALLS. CONCRETE BASES FOR LIGHT POLES SHALL NOT EXCEED A HEIGHT OF 30" FROM ADJACENT GRADE.
 - BE LOCATED TO AVOID CONFLICT WITH TREES.
- LANDSCAPING SHALL COMPLY WITH THE LIGHT AND CLIMATE CRITERIA SET FORTH IN SECTION 4.0.3.3 OF THE LDC, INCLUDING A MAXIMUM PRESTANDING LIGHT FIXTURE HEIGHT OF 25'.
- LANDSCAPED AREAS ADJACENT TO PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED AND NATURALLY CONTAINED. NO MORE THAN 50% OF THE REQUIRED RIGHT-OF-WAY AND LANDSCAPING TRACTS) LANDSCAPING FRONTING ADJACENT STREET MAY BE USED FOR EXTERIOR VENTILATION AREA. SLOPES SHALL BE VARYED, AND NO SLOPE SHALL EXCEED A 4:1 MAXIMUM.
- LANDSCAPING SHALL BE MAINTAINED. INDUSTRIAL BUILDINGS MAY USE EXPOSED DOWNPOUTS IF ANTICIPATED WITH THE ARCHITECTURE OF THE BUILDING AND BUILT WITH A DURABLE MATERIAL, SUCH AS STEEL.
- COMMERCIAL DEVELOPMENT VEHICULAR ACCESS POINTS AND PEDESTRIAN ACCESS WAYS SHALL INCLUDE SPECIAL PAINTING. TREATMENT SUCH AS INTEGRAL COLORED STAMPED CONCRETE, STAINING, OR GRASS ALTERNATE. LOCATION AND MATERIALS SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- CUSTOMER, EMPLOYEE AND VISITOR PARKING SHALL BE SCREENED FROM STREET VIEW BY LOW MASONRY WALLS. THE PARKING SCREEN WALLS SHALL BE FINISHED ON BOTH SIDES USING THE SAME MATERIALS AND COLORS, AND A DESIGN TO COMPLEMENT THAT OF THE BUILDING.
- ALL EXTERIOR METAL SHALL BE FINISHED OR PAINTED TO MATCH THE APPROVED FINISH COLORS.
- EXISTING ON-SITE PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH COMPARABLE SPECIES AND SIZE.

KEYNOTES

- 9'-10" PARKING SPACE WITH 2.5' OVERHANG, TYPICAL.
- REFUSE ENCLOSURE WITH 6" MASONRY WALL WITH STUCCO FINISH, BOTH SIDES PAINTED TO MATCH BUILDINGS.
- 5'x7' PAD FOR RECYCLE TRASH.
- 17'x10' ACCESSIBLE PARKING SPACE WITH 2.5' OVERHANG.
- INDICATES FIRE TRUCK TURNING RADIUS 35'/45'/55' MIN.
- 4' SIDEWALK, TYPICAL AT SITE INTERIOR.
- 6.5' SIDEWALK, TYPICAL AT PARKING.
- 6' SIDEWALK AT MAIN ENTRY CONNECTING TO EXISTING SIDEWALK ON CIVIC CENTER DRIVE.
- NEW 5' SIDEWALK AT PALM STREET TO MATCH EXISTING.
- ACCESSIBLE CURB RAMP.
- PEDESTRIAN CROSSING MARKING.
- ENHANCED PARKING AT MAIN ENTRY.
- EXISTING CURB.
- ELECTRONIC VEHICULAR GATE TO BE EQUIP WITH THE DEPARTMENT REQUIREMENTS FOR EQUIP WITH CALL BOX AND DIRECTORY.
- 6" PERIMETER NEW FENCE.
- 6" COMBINATION CMU AND NEW FENCE PERIMETER WALL AT PARKING.
- PEDESTRIAN GATE.
- POOL FENCE.
- POOL GATE.
- INDICATES LOCATION OF CARPORT STRUCTURE.
- 14'-4"x20' ACCESSIBLE PARKING GARAGE.
- CONTINUE PALM STREET CURBING AND ASPHALT TO MATCH EXISTING.
- S.E.S. LOCATED AT EACH BUILDING ENDS INSIDE ENCLOSED CLOSET WITH DOUBLE DOORS.
- EXISTING FIRE HYDRANT.
- PROJECT SIGN.
- FUTURE PRIVATE DRIVE.
- POSSIBLE FUTURE CONNECTION TO PRIVATE DRIVE.
- 6' PEDESTRIAN ACCESSIBLE PATH.

LEGEND

- DENOTES PROPERTY LINE
- NO. OF PARKING SPACES
- NO. OF COVERED SPACES
- DENOTES ACCESSIBLE PARKING AND ANSI TYPE 'A' DWELLING UNIT
- BUILDING NUMBER
- TYPE 2 BUILDING TYPE
- DENOTES ACCESSIBLE ROUTE
- NEW FIRE HYDRANT
- TRANSFORMER LOCATION

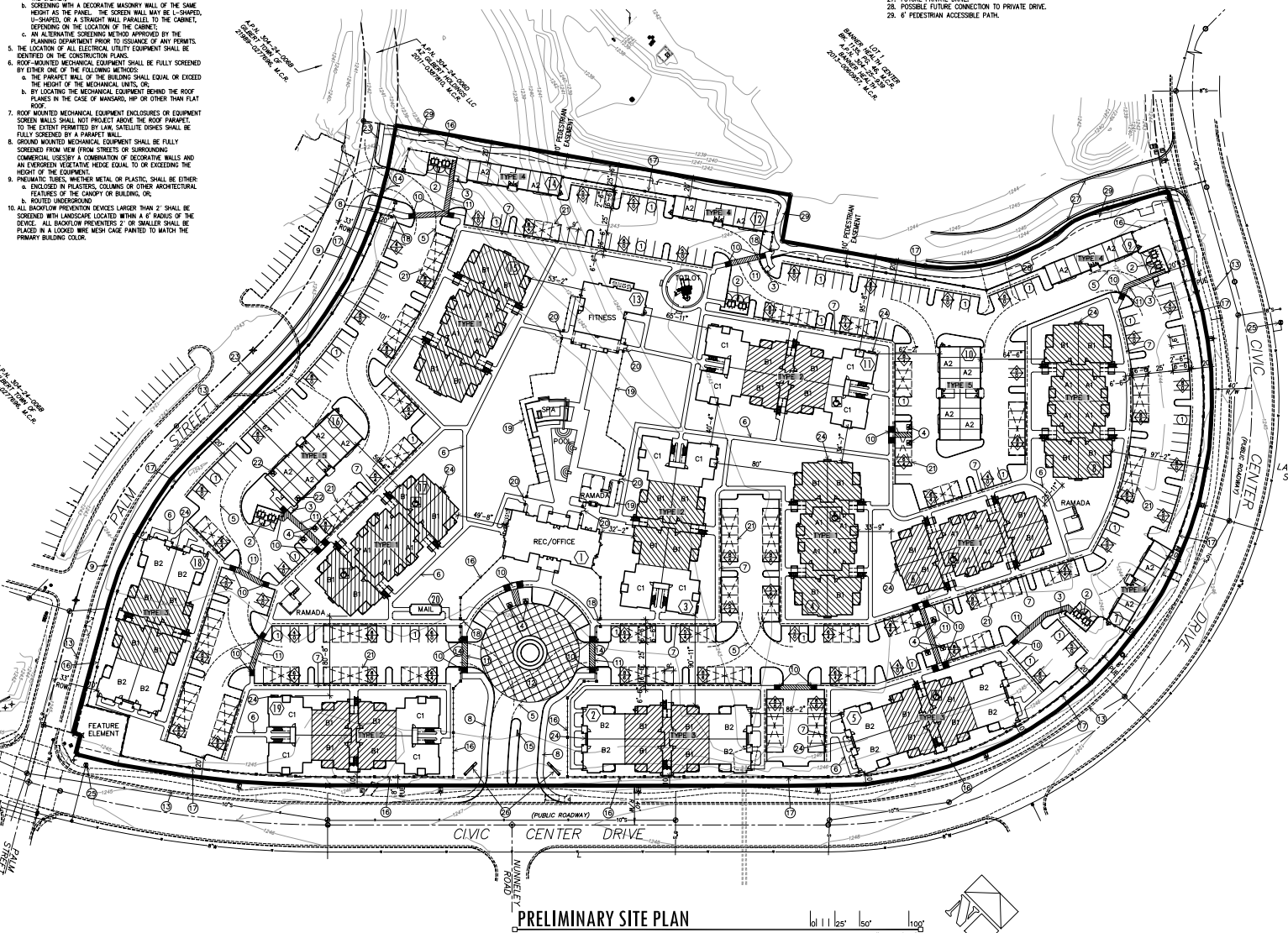
DEVELOPMENT DATA

LOT AREA:			
GROSS AREA	15,208 ACRES	665,711 SF	
NET AREA	13,212 ACRES	575,787 SF	
ZONING:			
EXISTING ZONING	RC PAD		
BLDG HEIGHT:			
PROPOSED HEIGHT	24/33 FT.		
UNIT MIX:			
CARRIAGE (1 BED)		# OF UNITS	
ONE BEDROOM	60		
TWO BEDROOM	156		
THREE	24		
TOTAL	256 UNITS		
* ALL UNITS IN GROUND FLOORS SHALL BE OF AT LEAST TYPE 'B' ACCESSIBILITY STANDARDS (88 UNITS)			
* 2% OF TOTAL UNITS REQUIRED TO BE ACCESSIBLE TYPE 'A' 6 UNITS REQUIRED AND 6 UNITS PROVIDED.			
UNIT DENSITY:			
PROPOSED:	19.37 DU PER ACRE		
PARKING:			
REQUIRED:			
(1 PER 1 BED)	76 x 1 = 76		
(2 PER 2 BED OR MORE)	180 x 2 = 360		
(0.25 PER DU GUEST)	256 x 0.25 = 64		
TOTAL	500 P.S.		
* 1 SPACE PER UNIT REQUIRED TO BE COVERED.			
* 25% OF COVERED SPACES REQUIRED TO BE ENCLOSED.			
PROVIDED:			
OPEN PARKING (9'x19')	255		
CARPORT PARKING (9'x19')	192 (COVERED)		
GARAGE PARKING (10'-4"x20')	64 (ENCLOSED)		
TOTAL PROVIDED	511 P.S.		
TOTAL COVERED PROVIDED	256 P.S.		
PARKING RATIO:			
PROVIDED/UNIT COUNT	511/256 = 1.99		
ACCESSIBLE PARKING:			
REQUIRED (2%)	11 P.S.		
PROVIDED:			
OPEN PARKING	6		
CARPORT PARKING	4 (COVERED)		
GARAGE PARKING	2 (COVERED)		
TOTAL	12 P.S.		
SETBACKS:			
BUILDING SETBACKS:	REQUIRED	PROVIDED	BLDG LANDSCAPE*
FRONT (CIVIC CENTER)	25'	10'	20'
REAR (BANNER)	15'	10'	20'
SIDE (PALM ST.)	20'	10'	20'
* EXCEPT BUILDINGS			
BUILDING COVERAGE:			
ALLOWED:	50%		
PROVIDED:	28.62% (171,078 SF)		
LANDSCAPE/OPEN SPACE:			
REQUIRED:	15%		
PROVIDED:	43.92% (262,525 SF)		
GROSS BUILDING AREA:			
PROVIDED:			
TOTAL GROSS BUILDING AREA	270,694 SF		
FAR (NET)	45.28 %		

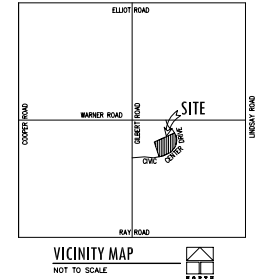
GILBERT CIVIC CENTER
GILBERT, ARIZONA

Office of Rich Barber
ORB Architecture, PLLC
WorldHQ@ORBArch.com

PRELIMINARY NOT FOR CONSTRUCTION
ALLIANCE RESIDENTIAL COMPANY

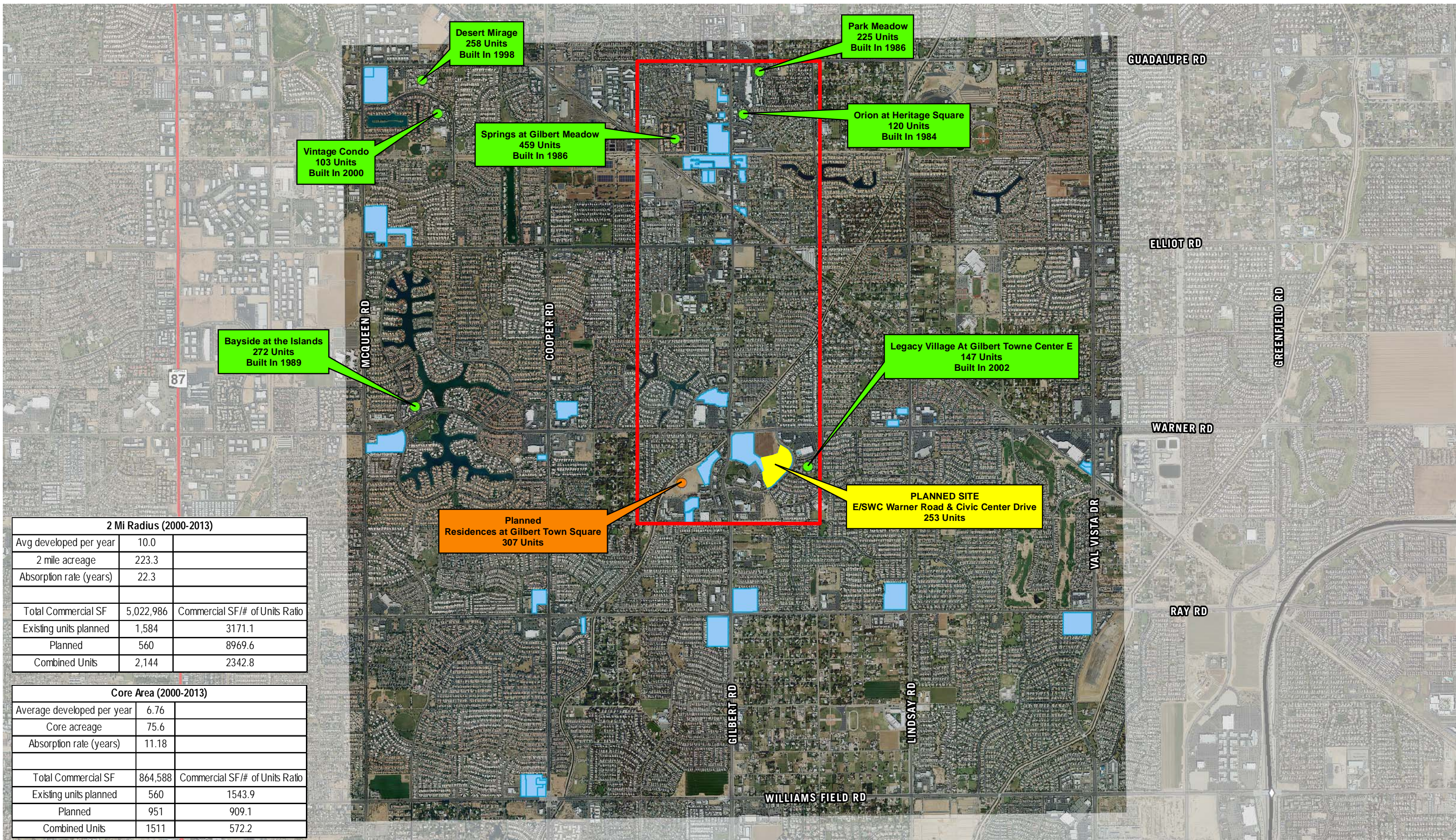


PRELIMINARY SITE PLAN



REVISIONS	
▲	
▲	
▲	
▲	
▲	
▲	
DATE:	AUGUST 6, 2014
ORB #	13-204

A1.10
SITE PLAN
PRELIMINARY



2 Mi Radius (2000-2013)		
Avg developed per year	10.0	
2 mile acreage	223.3	
Absorption rate (years)	22.3	
Total Commercial SF	5,022,986	Commercial SF/# of Units Ratio
Existing units planned	1,584	3171.1
Planned	560	8969.6
Combined Units	2,144	2342.8

Core Area (2000-2013)		
Average developed per year	6.76	
Core acreage	75.6	
Absorption rate (years)	11.18	
Total Commercial SF	864,588	Commercial SF/# of Units Ratio
Existing units planned	560	1543.9
Planned	951	909.1
Combined Units	1511	572.2

NON-CONFORMANCE WITH GENERAL PLAN

In the General Plan: The Regional Commercial classification designates areas for a broad range of high intensity uses emphasizing retail commercial uses. There is no maximum size for any use. The designation includes uses permitted in all other commercial categories plus regional shopping centers, hospital/medical centers, hotels/motels and mixed-use developments. The Regional Commercial classification may also accommodate high density residential development where residential uses are closely integrated with retail/office uses in a compact development containing urban amenities. Regional Commercial serves a broad market area larger than the Town. Regional Commercial designations are thirty or more acres and are located at freeway/arterial intersections or at intersections of arterials with Roads of Regional Significance, which would correspond with the proposed Minor General Plan Amendment under GP14-07 on the subject site.

The bullet points below summarize several of the notable features of the Town's General Plan Policies that the proposed amendment does not respond with:

Chapter 2 - Land Use and Growth Areas

Policy 1.5 Designate and protect sites for employment uses in appropriate locations to increase the Town's employment base.

Policy 2.1 Encourage landscape buffers between existing developed areas and new development.

Policy 3.3 Classify land uses in a way that recognizes both the use of the property and the desired scale of the uses.

Policy 3.4 Encourage densities appropriate for the Growth Areas by identifying locations for compact vertical intensity.

Policy 3.5 Promote appropriate mixed-use development within existing land use classifications in identified growth areas that have multi-modal transportation options, including transit or high capacity transportation routes

Policy 4.2 Encourage appropriate locations for multi-family residential uses that do not adversely impact lower density residential neighborhoods.

Policy 4.4 High density housing is encouraged near large employment centers and/or transportation corridors.

Policy 5.3 Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets.

Chapter 6 – Community Design

Policy 1.3 Encourage residential/ non-residential land use transitions that minimize negative impacts of commercial and industrial uses on adjacent residential uses.

Policy 3.6 Encourage design of common areas in each neighborhood that recognizes open space, passive and active, as a necessity providing recreation for children, youth and adults and designating areas for off-street parking adjacent to active areas.

Policy 5.2 Encourage design that provides a combination of active and passive open spaces in each cluster of buildings.

Policy 6.9 Encourage developers to include in the design of shopping centers and other major commercial projects and power centers, usable pedestrian gathering areas with enhanced walkways that connect buildings in the same development and are accessible to public transportation.

Policy 6.10 Encourage developers of commercial projects to designate visible areas to display public art and design seating areas with enhanced paving, sheltered with shade structures and vegetation, pedestrian lighting and other place making features.

Chapter 8 – Housing and Conservation

Policy 1.2 Encourage builders and developers to build mixed-use developments that include housing components in infill areas.

Policy 1.3 Establish guidelines for infill development that respect the scale and character of the neighborhood

Chapter 9 – Economic Development

Policy 1.5 Encourage the protection and expansion of the land (and/or densities) designated in the General Plan for employment uses.

Policy 1.7 Consider creating and setting guidelines for a new “Mixed-Use” land-use designation for the Zoning Code to facilitate the integration of employment, residential and retail developments.

Policy 4.6 Attract, retain and grow unique retail businesses that serve a regional customer base as a means to increase Gilbert’s sales tax revenues.

- 1 Great Fountain and Plaza
- 2 Sculpture
- 3 Overhead Gateway
- 4 Auto Plaza and Center Piece
- 5 Entry Monument
- 6 Stair Connection from Amphitheatre
- 7 Civic Plaza
- 8 Bridge
- 9 Great Lawn
- 10 Cedar Hill
- 11 Pond
- 12 South Meadow
- 13 Twin Pond
- 14 Connection from Park
- 15 Great Hill
- 16 North Lake
- 17 Pavillion
- 18 Palm Canyon
- 19 Bosque of Palms and Oaks
- 20 Long Meadow
- 21 Parking
- 22 Seating/BBQ Areas
- 23 20' Wide Street



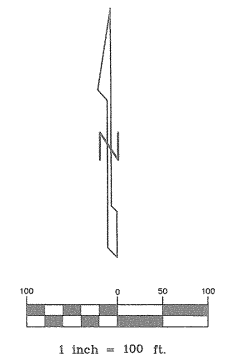
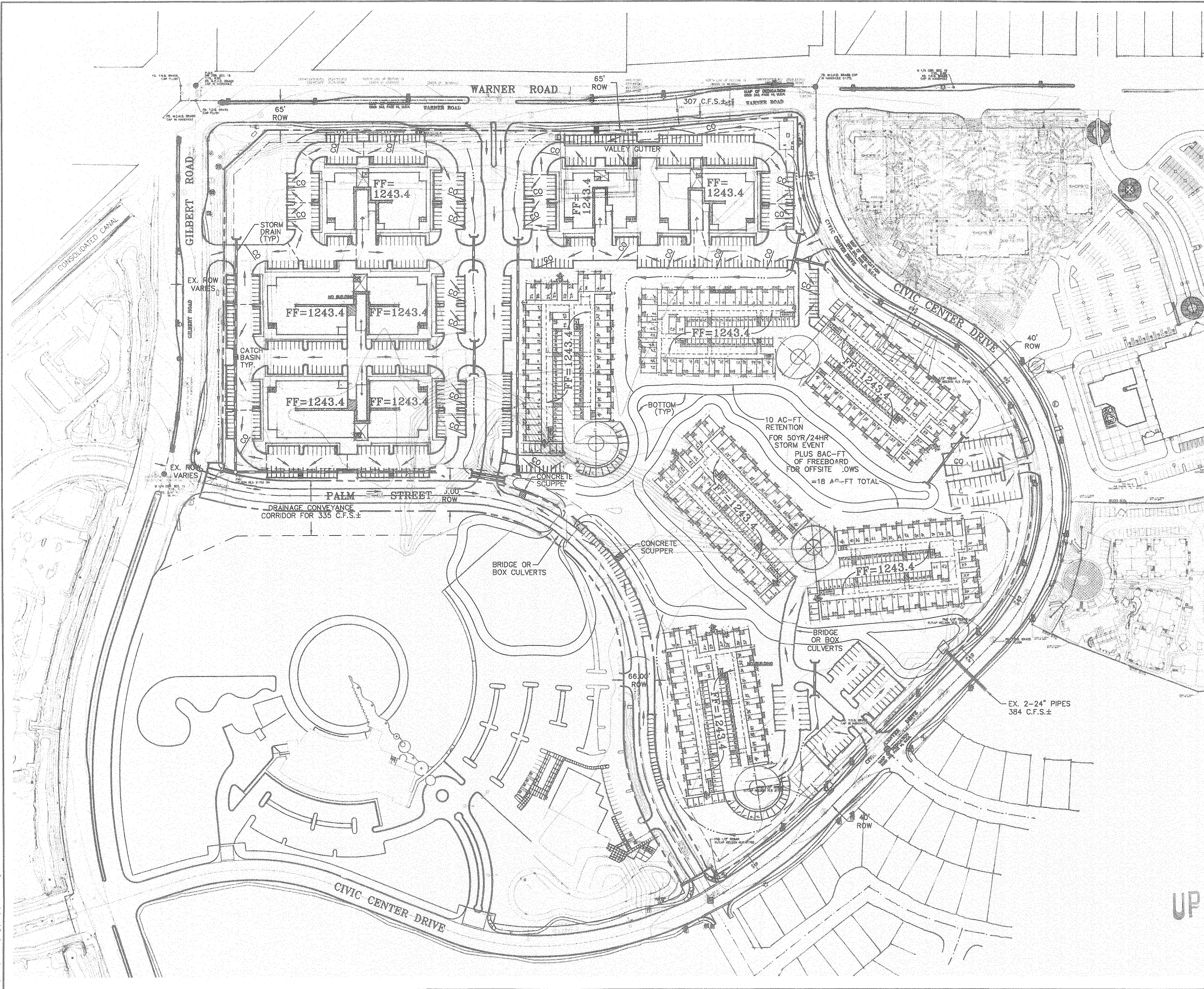
Central Park at Gilbert Town Center Conceptual Landscape Plan

ima design



UP05-12 (2ND)

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LEGEND

- RIGHT-OF-WAY LINE
- STORM DRAIN WITH HEADWALLS
- FLOW ARROW
- CONCENTRATED FLOW
- CURB OPENING CO
- RIDGE

**GILBERT TOWN CENTER
SCHEMATIC GRADING & DRAINAGE PLAN**

PRELIMINARY
NOT
FOR
CONSTRUCTION
OR RECORDING



WOOD/PATEL
CIVIL ENGINEERS
HYDROLOGISTS
LAND SURVEYORS
CONSTRUCTION MANAGERS
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ENGINEER D. FOX
DESIGNER W. WISNIEWSKI
CAD TECHNICIAN C. BACH
SCALE (HORIZ) 1"=100'
SCALE (VERT) 1"=100'
DATE 8-12-05
JOB NUMBER 052467
SHEET 1 OF 1

UP05-12 (1ST)



GILBERT TOWN CENTER REZONING PROJECT NARRATIVE

OVERVIEW

Berkus Design Studio (“Berkus”) and the property owner, GTCI, LLC (Tokoph) are pleased to present the Gilbert Town Center mixed-use project. The Gilbert Town Center is a unique project that brings together urban residential lofts, neighborhood retail and office uses, and moderately priced condominium flats at the corner of Warner and Gilbert Roads to create an environment with the energy of a walkable downtown complemented by a system of urban pocket parks.

PROPERTY/CONTEXT

Gilbert Town Center is approximately thirty seven (37) acres of land located at the southeast corner of Gilbert and Warner Roads (the “Property”). To the south, the Property is located adjacent to the Town of Gilbert (the “Town”) civic center and municipal offices. To the west of the Property, across Gilbert Road, is a commercial development known as Gilbert Town Square. To the north of the Property, across Warner Road, is undeveloped land zoned for General Commercial. To the east of the Property is a fitness facility and retail zoned General Commercial with General Industrial zoning south of the health club site. To the southeast of the property is the Settler’s Point subdivision with single-family residences.

REQUEST

The Property is zoned Shopping Center (“SC”). Berkus is requesting the approval of a zoning change from SC to Regional Commercial (“RC”) with a Planned Area Development overlay (“PAD”). Concurrently with the Rezoning Request, Berkus is processing a request to amend the Town General Plan from the Shopping Center to Regional Commercial land use designation and a use permit for integrated residential.

PROJECT NARRATIVE

I. Project Concept.

Gilbert Town Center is a synergy of commercial and residential uses woven together to create the energy and vitality of a vibrant urban place. At the intersection of Gilbert and Warner Roads, the site plan envisions a commercial hub with an old-town grid of up to seven (7) three-story mixed use buildings with urban lofts over neighborhood retail/office uses on the ground floor. The buildings will be accented by a plaza amenity welcoming the public from Warner and

Gilbert Roads, tree-lined streets with wide sidewalks and ample store-front parking characterizing the old-town grid. Pedestrian linkages in this downtown grid are designed to bring people together and provide opportunities for gathering places such as outdoor cafes and plazas.

Complementing the old-town grid is an urban park setting with up to six (6) four-story residential buildings. Each of these residential buildings will have condominiums designed as one-bedroom and studio flats that can be combined into two-bedroom and three-bedroom residences. To encourage creative live-work lifestyles, each residential building includes up to fifty (50) small office spaces for sale to building residents. These studio and one-bedroom units are envisioned as moderately priced residences for singles, couples, first-time and “move-down” buyers who value living in a pedestrian-oriented community within walking distance to work and neighborhood services.

The site plan complements the Civic Center expansion master plan. Open space and gathering places in Gilbert Town Center reference public spaces on the Civic Center campus. Pedestrian circulation throughout the site increases pedestrian access to public spaces on the Civic Center grounds. Additionally, the proposed office space in Gilbert Town Center may provide the opportunity for offices for the Town and municipal-serving businesses.

The Gilbert Town Center land plan draws visual, pedestrian and vehicular linkages with the Town’s Civic Center and the neighborhood. Sidewalks in the urban grid and pathways through the residential park provide pedestrian linkage through the site to the neighborhood and Civic Center. Streets in the old-town grid link the site to Gilbert and Warner Roads as well as Palm Street.

Although the project provides extensive sidewalk and paved circulation, over forty percent (40%) of the site is landscaped open space. From the large open spaces at the center of the project to small planter pockets along the main street grid, Gilbert Town Center mitigates the heat island effect with ample shade and vegetation interspersed with the buildings. Additionally, water feature opportunities provide visual interest and ambient sound to contrast arterial traffic noise.

II. Building Types.

Two (2) general building types are used in Gilbert Town Center, with variation provided by architectural treatment and conditions that may be unique to each building. The mixed use buildings that line the old-town grid have commercial space on the ground level with two (2) levels of urban lofts above. To allow architectural variety as the Design Review Board may request, occasional four-story building massing may also be used. Parking for the commercial use is accommodated primarily on the street at the sidewalks fronting all four (4) sides of each building. A central loading bay in the center of each building allows the

commercial areas to be serviced without customer inconvenience or vehicular congestion.

The urban lofts offer high ceiling plates, ample fenestration and light with private deck areas overlooking the tree-lined old-town neighborhood. Volume and light create an urban garden in each loft and provide the freedom for each resident to create a unique living environment. Residential parking in the mixed-use buildings is provided in a subterranean garage accessed by a ramp adjacent to the commercial loading area.

The four-story residential buildings are comprised of studio and one (1) bedroom units which may be combined to create larger two (2) and three (3) bedroom residences. Each unit has a private deck and storage space. The building edge is softened with small offices that are for sale to the building residents. These offices are approximately 180 to 200 square feet in size and offer the residents an opportunity to work in the same building where they live. To enable the Design Review Board to break the plain of the roof line and achieve architectural variety, portions of these residential buildings may be five (5) stories. Resident parking is shielded from the park landscapes by locating it within a free-standing parking structure surrounded by the residential building. The four-level parking structure allows each owner to park directly across from his or her unit and enter the units without having to use an elevator or stairs.

III. Project Details.

Commercial and Residential Improvements:

Residential:

Lofts over retail:	198 units	1,250sf ea.	248,000sf total
One bedroom flats:	528 units	714sf ea.	377,000sf total
Studio flats:	<u>480 units</u>	442sf ea.	<u>212,000sf total</u>
	1,206 units		837,000sf total

Proposed Density: Approximately 33 units per acre

Commercial:

Residential offices:	200 units	180sf ea.	36,000sf total
Commercial space on grade:			<u>157,600sf total</u>
			193,600sf total

Conceptual Parking Improvements:

Parking for residential:

Parking for flats (1:1 studios; 1:1 1BRs):	1,008 spaces
Loft parking (2:1):	348 spaces
Guest parking:	<u>179 spaces</u>
Total:	1,535 spaces

Parking for commercial:

Residential offices:	(shared)
Retail on grade:	<u>662 spaces</u>
	662 spaces
Total parking:	2,197 spaces

Approximate Site Coverages:

Landscape, Open Space and Retention:	19.1 acres (51% of the site)
Paving: Parking, streets, plazas:	7.8 acres (21% of the site)
Building Coverage:	10.2 acres (28% of the site)

IV. Open Space and Landscaping

The project provides ample open space with over nineteen (19) acres of landscaped area in addition to plazas and wide tree-lined sidewalks. Open areas include urban landscape features such as a plaza feature, fountains, large sidewalks with planters along with less formal elements such as large landscaped retention areas and a pedestrian path system that integrates with neighboring circulation.

An urban landscape concept is used for the old town grid portion of the site, with its symmetrical site orientation. The primary landscape feature of the old town grid is the plaza at the corner of Gilbert and Warner Roads which invites pedestrians into the project. The plaza provides a gathering point for residents and commercial users alike enhancing the pedestrian experience of the old town sidewalk grid. Twelve (12) foot wide sidewalks accented by planters up to five (5) feet wide provide an appealing environment for perusing shops, enjoying a cup of coffee at an outdoor café or just people watching on a park bench. The plaza and planters will feature trees to provide a canopy to shade pedestrians and prevent the site from becoming a heat island. One or more fountains will provide visual interest and pleasant background noise for those enjoying the plaza or sidewalk cafes.

An informal landscape concept is used for the remainder of the site to reflect its curvilinear site layout. Gently sloping retention areas provide acres of open park space between the four-story residential buildings. These park areas connect to the large park-like retention area to the southeast across Civic Center Drive and retention/conveyance areas on the municipal site across Palm Street to the south. The park-like retention areas are punctuated by pedestrian paths with park benches and canopy trees.

V. Home Owners Association.

It is anticipated that a hierarchy of associations will be create to best govern roles and responsibilities at levels most appropriate to accomplish the objectives and

purpose of the development. Governance of the Gilbert Town Center will rest upon a foundation of recorded covenants and restrictions that will bind all present and future owners and tenants within the Property. In addition to containing the standards and guidelines for construction, operation, use and maintenance of various areas within the project. A master association and sub-associations may also be created to administer and enforce the residential and non-residential portions of the Project.

VI. Compatibility with Adjacent Development.

The Project is located at the intersection of two (2) arterial roadways adjacent to the Town municipal offices and facilities. As set forth above, to the west of the Property, across Gilbert Road, is a commercial development known as Gilbert Town Square. To the north of the Property, across Warner Road, is undeveloped land zoned for General Commercial. To the east of the Property is a fitness facility and retail zoned General Commercial with General Industrial zoning south of the health club site. To the southeast of the property is the Settler's Point subdivision with single-family residences. The project will have substantial landscaping and open space areas along the eastern property boundary, which is closest to the single-family residential units. The mixed-use nature of the project is in keeping with the proposed zoning and land use designation and is appropriate for this area of the Town and is compatible with the surrounding land uses.

PHASING

It is the intent of the Developer to construct the infrastructure of the Gilbert Town Center at one time rather than in phases. The actual buildings may be constructed over time based on market absorption rates. In the event the buildings are constructed over time, the developer will work with and provide Town staff with any required phasing plan.

JUSTIFICATION FOR REZONING.

The Town of Gilbert requires proposed project narratives to address three (3) main points when requesting a rezoning of property. They are as follows:

1.) Provide a description of the proposed zoning districts and users.

The requested rezoning category is RC. The existing zoning, SC, permits medium-scale retail, office, service, and entertainment uses with limitations of 75,000 square feet per user or stand-alone building. The existing SC district contemplates a typical shopping center site design, anchored with a large grocery store user and supporting retail and office type uses. These types of commercial centers are typically found throughout the valley at the intersection of two arterial roadways.

The proposed RC zoning district permits large-scale regional commercial, office, recreation and entertainment, and cultural uses, developed under a unified plan. The RC zoning designation allows for larger scale development above and beyond the existing zoning. However, the benefits of the RC zoning designation include the recreational uses proposed in the open spaces and the residential opportunities with the lofts and flats.

The RC zone is the only commercial zoning district that provides for integrated residential uses, with a conditional use permit. Integrated residential and a unified plan enables the Town to approve an innovative and site specific plan for the Gilbert Town Center site. This opportunity and the proposed site plan create a dynamic mix of commercial, office and residential uses not possible under the existing SC zoning district. While the existing SC zoning could permit a commercial center orientating towards the arterials, the development plan reorients the site to create the vibrancy of an urban center combining live and work in a pedestrian-orientation while responding to the surrounding context, especially the Town of Gilbert civic center and municipal offices.

The RC zoning category, along with the innovative and proven Berkus Design Studio's proposal, will enable the Gilbert Town Center project to integrate with all of the existing and proposed uses surrounding the site. More importantly, the ability to integrate residential into the mix of uses allowed in the RC district creates the critical mass and intensity to provide for a vibrant mixed-use center that utilizes surrounding municipal services, retail and employment uses and other cultural and recreational uses in and around the site.

The site plan envisions a mixture of ground floor retail and office uses with residential lofts above in three-story buildings along the northern portion of the site. The south and eastern portion of the site will primarily be residential lofts with residential offices within a cluster of 4-story buildings with large open space/pedestrian areas.

2.) Justification of the proposed zoning deviations and standards.

The development plan seeks a comprehensive design that accomplishes the general design objectives set forth in the applicable zoning ordinances and design standards. However, to achieve the old town urban character envisioned for the site, proposed deviations from specific design standards may include: elimination of an outer drive isle to enable circulation in an old-town grid (Commercial Guideline 4.k); and elimination of landscape median at vehicular access points (Commercial Guideline 7.d) to create a traditional downtown streetscape. In addition, there will need to be amendments to the development standards set forth in the Zoning Ordinance, accordingly, the existing Planned Area Development overlay will be amended as required to accommodate the development plans, including a sixty five (65) foot maximum building height, parking on the property line, parking at Palm Street and shared parking, for

residential guests.] The amendments will allow the project to achieve an urban/pedestrian feel by allowing taller buildings on the site to achieve a density that supports the surrounding employment and commercial opportunities. Also, by allowing the height allowed under the proposed RC zoning and the density proposed, the site provides over forty (40) percent open space that creates urban/pedestrian parks for recreational and social opportunities for people to gather.

3.) Information on how the project complies with the General Plan and other adopted plans or zoning requirements.

The Land Use Map of the Town General Plan designates the Property as Shopping Center. The proposed mixed-use project does not conform to the Shopping Center land use designation; therefore, an application has been filed concurrently with the Rezoning Request to modify the Land Use Map designation for the Property from Shopping Center to Regional Commercial. The Regional Commercial land use designation supports high intensity commercial uses, including high density residential. The proposed approximately 193,600 square feet of commercial and office uses and the approximately 1,200 dwelling units is in conformance with the Regional Commercial land use designation of the General Plan as set forth below:

The Regional Commercial classification designates areas for a broad range of high intensity uses, emphasizing retail commercial uses. There is no maximum size for any use. The RC classification may also accommodate mixed commercial, entertainment, and a high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities. The designation also includes uses permitted in all other commercial categories, plus regional shopping centers, hospital/medical centers, and hotels and motels. Regional Commercial serves a broad market area larger than the Town. Regional Commercial designations are thirty or more (30+) acres and are located at freeway/arterial intersection or at intersections of arterials and Roads of Regional Significance.

CONCLUSION

Rezoning the parcels to the Regional Commercial zone is appropriate to implement the land plan and the goals of the proposed land use designation. The Regional Commercial zone permits residential uses with a Conditional Use Permit and development intensity shown in the proposed land plan. A Planned Overlay Development overlay zone for the Gilbert Town Center is necessary to accomplish the development and architectural character envisioned in the proposal. An overlay zone enables the residential density, neighborhood mixed

use, residential offices and design guideline deviations outlined in this pre-application proposal.

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TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE, GILBERT ARIZONA
OCTOBER 5, 2005

COMMISSION PRESENT:

Chairman Brigitte Peterson,
Vice Chairman Michael Monroe,
Commissioner Dan Dodge,
Commissioner Karl Kohlhoff,
Commissioner John Sentz,
Commissioner Anthony Bianchi,
Commissioner Chad Fuller,
Alternate Commissioner Jennifer Whittmann

STAFF PRESENT:

Acting Planning Director Linda Edwards,
Planning Manager Maria Cadavid,
Senior Planner Mike Milillo,

ALSO PRESENT:

Town Attorney Phyllis Smiley,
Town Traffic Engineer Bruce Ward,
Town Manager George Pettit,
Councilmember Joan Krueger,
Recorder Trasie Johns

<i>PLANNER</i>	<i>CASE</i>	<i>PAGE</i>	<i>VOTE</i>
Mr. Milillo	GP05-7	2	Approved
Mr. Milillo	Z05-14	2	Approved
Ms. Cadavid	S05-09	11	Approved
Ms. Cadavid	S05-10	16	Continued
Mr. Milillo	S05-12	16	Approved
Mr. Mangiamele	Z05-16	18	Continued

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CALL TO ORDER:

Chairman Brigitte Peterson called the meeting to order at 6:00 P.M.

ROLL CALL

Ms. Johns called roll and a quorum was determined to be present.

APPROVAL OF AGENDA

Chairman Brigitte Peterson requested a motion to approve the agenda.

Commissioner Dan Dodge reordered the agenda. He explained that the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment section. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In the Administrative items, item two included Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.

Planning Commission
Regular Meeting 10/5/05

A motion was made by Commissioner Dan Dodge, seconded by Commissioner John Sentz, to approve the agenda as follows: the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In Administrative items, item two includes Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.

Motion Carried 7-0.

COMMUNICATIONS FROM CITIZENS

Chairman Brigitte Peterson announced that members of the public could comment on items not on the agenda. She stated that the Commission's response was limited to responding to criticism, asking staff to review a matter commented upon or asking that the matter be put on a future agenda. She asked if anyone would like to speak. She informed the audience that there were blue slips that needed to be filled out if anyone wanted to speak.

No one came forward.

PUBLIC HEARING

Chairman Brigitte Peterson announced that comments will be heard from those in support of or in opposition to an item. Once the hearing is closed there will be no further public comment unless requested by a member of the Commission.

GP05-7 - Minor General Plan amendment from Shopping Center (SC) to Regional Commercial (RC) on a 37-acre parcel located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747

Z05-14 - Rezoning from Shopping Center (SC) to Regional Commercial (RC) within a Planned Area Development Overlay located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747

Chad Fuller recused himself from these items along with items S05-09 and S05-10. He explained that the owners of the properties were clients of the law firm he worked for.

Chairman Brigitte Peterson opened the public hearing.

Senior Planner Mike Milillo provided a visual aid of the General Plan exhibit. He reviewed the request, which was to a General Plan amendment and zoning case which will change the land use designation on approximately 37 acres from Shopping Center to Regional Commercial. He explained that the project was originally a PAD overlay in 1986. Subsequent to this, the Settlers Point PAD was amended on two different occasions for different types of development plans. He pointed out that Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities.

He used the visual aid and reviewed the surrounding land uses:

	<i>Existing Land Use Category</i>	<i>Existing Zoning</i>
<i>North:</i>	(GC) General Commercial	Maricopa County (Commercial)
<i>East:</i>	(GC) General Commercial, Residential >8- 14 DU/Acre and Residential 3.5-5 DU/Acre	GC, MF/L and SF-6

<i>South:</i>	Public Facility/Institutional (PF/I) and Residential >3.5-5 DU/Acre	PF/I and SF-6
<i>West:</i>	Shopping Center (SC)	Gilbert Road, then (SC) Shopping Center with a PAD overlay.

Mr. Milillo commented that staff finds the proposal conforms to the General Plan's Vision to "provide a sustainable mix of land uses that will maintain the quality of life elements that make Gilbert a community of excellence and promotes economic development and redevelopment at appropriate locations." This project's location, types of housing and easily accessible retail and service uses will help promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept contains several notable features that respond to the General Plan's policies:

- Traffic circulation needs are balanced with the goal of creating a pedestrian-oriented neighborhood and convenient employment/retail centers.
- The plan interconnects neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes.
- Residential/non-residential land use transitions are carefully managed, and existing residential uses are protected from negative impacts of commercial uses

Mr. Milillo stated that staff supports the requested General Plan Amendment to the Regional Commercial (RC) land use classification finding that the 37-acre parcel is uniquely located to develop a synergy with the Gilbert Municipal Center and the surrounding residential neighborhoods and commercial centers.

Mr. Milillo reviewed the zoning request. He used an overall conceptual master plan of the Municipal Center and the new site. He reminded the Commission that earlier that year the Town contracted with a designer in order to redesign the conceptual master plan for the municipal center site. This established some hardscape elements, an amphitheater and some new buildings. It also established the final alignment for Palm Street which will connect to Civic Center to Gilbert Road on the west side of the site. The conceptual master plan originally envisioned retail commercial uses on the northwest portion of the site with residential and possibly office uses on upper stories. There would also be residential condominium uses on eastern portion of the site. All of these were integrated in a green open space plan with a pedestrian linkage back to the Municipal Center. A plan that was very similar to the one was shown that evening was shown to the public in an open house and to the Town Council in June.

Mr. Milillo explained that the existing zoning on the subject property is Shopping Center (SC). This zoning would accommodate medium scale retail, office, service and entertainment uses. The RC zoning district is necessary to accommodate both the mix of uses and the specific plan for development. The rezoning action will also repeal the 1986 Analysis of Commercial Land Use Requirements prepared for the Settler's Point PAD and the 1991 Design Guidelines for the Gilbert Municipal Center and replace them with the Conceptual Master Plan.

- Repeal of the 1986 Land Use Analysis- This analysis, performed almost 20 years ago, contained fairly accurate projections of economic and demographic conditions. While it did not anticipate the developing cluster of professional office space in the Loop 202/Val Vista Drive area, its recommendations for a mixed-use Civic Center Core are reflected in the current Gilbert Town Center proposal.
- Repeal of the 1991 Design Guidelines- The elements contained in these guidelines are replaced by the 2005 Conceptual Master Plan for the Municipal Center and Gilbert Town Square, the Site Development Regulations contained in the LDC and the modified RC zoning district Development Standards approved with this zoning request.

Mr. Milillo reviewed the project data:

Proposed Project*	
Gross Site Acreage:	+/- 37.1 acres
Existing Zoning:	(SC) Shopping Center with a PAD

Planning Commission
Regular Meeting 10/5/05

	overlay, Settler's Point.
Proposed Zoning:	(RC) Regional Commercial with a PAD overlay.
Gross Floor Area (Commercial):	179,000 s.f.
Dwelling Units (Lofts over Retail and Condominium Buildings):	1,206 units
Proposed Setbacks*:	Front-25' Side (streets)-20' Side (residential)-75' Rear 15'
Maximum Building Height**:	65' T.O. Parapet
Total Parking Provided:	2,385 spaces

*This project has been reviewed under the Land Development Code (LDC)

**Building Height Increase sought through Conditional Use Permit (UP05-12).

Mr. Milillo noted that the Use Permit for the height increase was not being approved that evening.

Mr. Milillo reviewed the Development Standard modifications:

Development Standard Modifications

<i>Standards</i>	<i>RC Zoning District/ Parking & Loading Regulations</i>	<i>Proposed Development</i>
Maximum Building Height:	55'	65'/5 stories > 250' from Civic Center Drive (CUP Required)
Minimum Required Perimeter Landscape Area:	50' X 250' from intersection of street lines	< 50' between 170' and 250' from the intersection of Gilbert Road along the Warner Road frontage
Off-Street Parking Requirements:	1 space per 200 sq. ft. GFA	1 space per 250 sq. ft. GFA (Administrative UP)
Visitor Parking:	On-street parking counted toward the visitor parking requirement in SF-D, SF-A, MF/L, and MF/M zoning districts	Up to 82 on-street parking spaces on Palm Street counted toward the visitor parking requirement (Administrative UP)
Parking Screen Walls:	3'-4' parking screen walls or berms required to screen parking	No screen walls or berms required along the Gilbert or Warner Road frontages
Parking Space and Aisle Setbacks at Arterial Driveway Entrances:	A minimum of 80 feet from the arterial right-of-way	A minimum of 35 feet from the arterial right-of-way (Requires Town Traffic Engineer's Approval)
Maximum Depth of Retention Basins:	Retention basins shall not exceed a maximum depth of 2.5 feet, measured from the adjacent street grade	Retention basins shall not exceed a maximum depth of 4 feet, measured from the adjacent street grade (Variance Required)

Mr. Milillo reviewed the staff's comments on the development standard modifications:

Building Height- Staff supports the requested building height increase conceptually as it is limited to areas located a significant distance from any residential uses. The increase must be approved through submittal of an application for a Conditional Use Permit.

Intersection Landscape Area- The deviation was a 17.7% reduction along one frontage. He explained that the arterial intersection landscape buffer takes place at the intersection of the arterials. The requirement states that they must maintain a landscape buffer for 250' along Warner

and Gilbert Road. The applicant was proposing to provide more than 50' along the Gilbert Road frontage and exceed the 50' along Warner Road. However, between 170' and 250' the applicant was looking to provide less than the required 50'. He explained that staff supported this and felt that other precedents had been made in the Town of Gilbert for this in the past. The requested deviation from the Arterial/Arterial Intersection landscape buffer was justified given the proposal to develop a 265' X 135' public plaza at the corner of Gilbert and Warner Roads. This plaza provides more landscape/hardscape than contemplated in the LDC and staff believes it will more than offset the reduced landscape buffer along Warner Road.

Parking Requirements- Parking required for the commercial portions of this development is 968 spaces. The applicant is requesting a 20% reduction in the number of parking spaces normally required in the RC zoning district. Planning staff does not have sufficient information at this time to determine if this request is warranted. The decrease must be approved through submittal of an application for an Administrative Use Permit.

Visitor Parking- Planning and Traffic Engineering staff support the use of Palm Street for limited guest parking areas. This deviation will allow improved open space continuity, minimize paved surface areas and provide opportunities for shared parking with the Municipal Center site. Additional parking flexibility may be provided through submittal of an Administrative Use Permit.

Parking Screen Walls/Berms- The LDC screening requirements apply to all parking areas and access aisles within 75' of rights-of-ways. Staff cannot support the requested deviation, but recommends that all screening occur through the use of walls rather than berms and that screen walls be offset to allow pedestrian access to the project.

Parking Space and Aisle Setbacks at Arterial Driveway Entrances: The LDC requires a drive aisle setback of 80' from the arterial right-of-way. The requested deviation will be applied to a single driveway out of the six driveways proposed on the project. The northernmost Gilbert Road driveway provides a 35' drive aisle setback from Gilbert Road. As Gilbert Town Square promotes a compact, urban environment in which the building forms are located closer to the roads and 360-degree parking is provided at each building, and the application of this reduced standard is limited to only one driveway, staff supports the deviation. He explained that only the Town Traffic Engineer could approve this deviation and could not be a part of the PAD. He added that the Town Traffic Engineer was supportive of this deviation as there were only two directions that were affected.

Maximum Depth of Retention Basins: The maximum depth of retention basins is established at 2.5' from adjacent street, sidewalk or drive aisle grade. As Gilbert Town Center is envisioned as an urban, pedestrian-friendly development, staff cannot support the requested deviation. If projected stormwater flows cannot be reduced with consent of the County Flood Control district, underground storage should be planned as an alternative. This also could not be modified in the PAD. He explained that a variance would be required for this deviation.

Mr. Milillo concluded that staff supported the rezoning to Regional Commercial. They also support the modification for the corner landscape buffer. They feel that the planned ground floor retail uses, the residential loft and multi-family housing and office uses were all permitted in the RC Zoning district and will create a synergistic mixed use environment for this key parcel within the Town of Gilbert. He stated that staff recommended approval with the amended conditions that were given to the Commission that evening.

Commissioner Dan Dodge requested that staff review what had changed in the conditions.

Mr. Milillo explained that "a" remained the same. He added that that "b" had a slight modification in that the words "as modified by the PAD and Conceptual Development Plan attached as Exhibit L" were added. They added condition "c". He explained that after conferring with the Town Traffic Engineer they felt if

there was a strong indication that they would be approving visitor parking on Palm Street that they would want a dedication of the project's half of Palm Street. If they were going to use it as diagonal parking they should have 50' from the center line of Palm Street. Currently Palm Street does not exist. Item "d" was also added, requiring off site improvements to Palm Street. Items "e" and "f" were added, repealing the land use analysis and design guidelines. Some specifications on the arterial intersection plaza on the corner and Warner were added to item "g", along with a reference to Exhibit M. He explained that they felt they wanted a conceptual site plan for the area at the arterial intersection rather than just a vague conceptual representation on the development plan. Therefore they were attaching Exhibit M in order to supply some criteria in which to review the pedestrian plaza at the Design Review stage. The final item that was modified was in "h", sub item 3. They added some detail in what should be included in the Master Open Space Design Plan. It should include as a minimum an analysis of solar orientation, shading effects on landscape, water features and hardscape details. All of the items in condition h. would be reviewed by the Design Review Board.

Commissioner Dan Dodge stated that in respect to the second item of the development standard modifications, the minimum required perimeter landscape area, it stated less than fifty. He thought that this could be anything from 0-49. He couldn't find any specific reference to what was expected there. He went to the attachment, but did not get a full size. He was unable to tell by looking at Exhibit L.

Mr. Milillo explained that this was a drive that had parking along it that intersects with the internal village street system that has diagonal parking all along it. This drive curved to the north. He pointed out the northwestern curve line of the driveway on the visual aid and pointed out that the driveway encroaches in the fifty foot at a certain location. In addition, there were three parking spaces that were located along Warner Road that would be within the 50'.

Commissioner Dan Dodge questioned what the minimum width was within that landscape strip.

Mr. Milillo replied that the minimum width was about 10' instead of the required 50'.

Commissioner Dan Dodge was concerned about a requirement that just stated less than 50'. He thought they might want to be more specific.

Mr. Milillo replied that they were comfortable with it since the case had Exhibit M.

Commissioner Dan Dodge replied that this exhibit didn't show any dimensions.

Mr. Milillo replied that they could change it to state between 10' and 50' of depth between 170' from the intersection.

Commissioner Dan Dodge referred to the same chart, the Development Standard Modifications, under visitor parking, where they refer to the 82 on street parking spaces on Palm Street. He questioned if they were talking about the residential or business component of the project.

Mr. Milillo responded that they were referring to the residential component.

Commissioner Dan Dodge questioned if this ended up accounting for most of the visitor space.

Mr. Milillo replied that they just received the traffic impact report today and he did not have an answer. He deferred it to the applicant

Commissioner John Sentz referred to the off street parking modifications and questioned what the basis was for the 25% reduction in parking.

Mr. Milillo replied that staff's understanding on this was that because there was a mixture of uses they were looking to share parking since each use had different peak parking hours. They had not seen any analysis that would provide for justification of this. Therefore staff didn't have an opinion regarding this item.

Commissioner Dan Dodge pointed out that this would not be approved this evening and would come in later under a Use Permit.

Commissioner John Sentz referred to the arterial entrance, and stated that staff indicated that this would only apply to south bound and east bound. He thought it also applied to north bound traffic.

Mr. Milillo provided a visual aid and pointed out that the driveway that required the modification. What he was explaining in serving east bound and south bound was that there were only two movements when you entered the plaza.

Vice Chairman Michael Monroe referred to the parking screen walls and questioned what the staff's opinion was on them. He thought that they had all Warner Road with parking and a portion of Gilbert Road with parking. He thought that it looked pretty close to the sidewalk and was concerned about the applicant's request to not have screen walls.

Mr. Milillo replied that staff was not supporting the deletion of the parking screen walls in that area. The applicant was proposing the deletion of any screening techniques. The Code allows you to use two screening techniques to screen parking from streets. One would be three foot high screen walls and the second was berms. The staff was recommending that they utilize the screen walls and were not supporting any deviation to the code requirements. They didn't support the use of berms because they require more area. Since it was a very urban and compact project they felt that the screen walls would be much more effective.

Chairman Brigitte Peterson requested that the applicant come forward for their presentation.

Shelly McTee with Biskind, Hunt & McTee, 11201 N. Tatum Blvd. Suite 330, Phoenix came forward. She stated that they represented Burkas Design Studio, relative to the Gilbert Town Center. She noted that present that evening were Barry Burkas, the architect and developer of the project; Steve Burkas, who will be in charge of the construction; John Rosenfelt, their in house council; Ash Sendecard and Jim Cambel with Petell and Associates. She stated that they had submitted an application for a Conditional Use Permit for the integrated residential and the building height for the loft portion of the project. In addition later that week they would be submitting the application for an Administrative Use Permit for the two parking issues, for the reduction parking as well as off street parking. She explained that they were waiting until they had their parking study completed because this provided the background information. To clarify on the parking, she indicated that they have requested the parking deviation only for the commercial portion. With this 20% reduction for commercial they end up providing 291 spaces greater than they had requested the reduction for. In regards to the offsite parking along Palm Drive, there were 64 spaces provided. They have 143 visitor guest parking spaces. Regarding the screen wall, she stated that they feel that because of the urban nature of the project they would like the parking come up to the street. She described the urban nature of the project and that screen walls would be important and that they would prefer not to have them so that they could emphasize the urban nature of the project. Regarding the issue on Gilbert and Warner, they met with Town Traffic Engineer Bruce Ward and he did state that he was in support of the small reduction from the 35' to the 50'. In regards to the retention basins, there has been discussion about that. If they were going to be required to conform to the two and a half feet they would like it to be revised to state, "or as approved by the Town Engineer". She stated that their latest indication was that the Town Engineer had approved the depth up to 3'. Regarding the conditions, in the dedication of Palm Street it was suggested that they dedicate 50' because of the perpendicular parking. In meeting with Mr. Ward it was discussed that this might move to a 60 degree or 90 degree parking along Palm Street. She wanted the condition revised to state either 35' from center line or if they need to leave it at 50' place a condition that stated "or as approved by the Town Engineer". She felt that this would be acceptable to the Town Engineer. They agreed to the other conditions that were added. She referred to Exhibit M and stated that

they could place dimensions on it to clarify that it couldn't go all the way down to zero. It was in some areas a minimum of 10'. She discussed the outreach program. She explained that the staff hosted a neighborhood meeting in June. They had another meeting with surrounding property owners and business owners. She noted that the response was very supportive. She added that a neighbor in Settlers Point e-mailed them a letter of support as well. She thanked the staff for their hard work on the project.

Barry Burcas, AIA Architect, 323 Mesquite, Scottsdale came forward. He complimented the staff, Commission and the administration for being very cooperative during the process. Throughout Arizona they had seen a tremendous amount of strip shopping centers on the corners and turning them into seas of parking. He felt that they established "a place" when they built the civic center. Of all the area in Gilbert, they felt that this was an area that should become a central park for living along with an urban village that would address the needs of the people that live on site and in the community. He explained that they had tried to create a village that had old streets in front of the commercial. The reason that the street is not set back 50' from Warner or Gilbert was that they wanted the street to be a surface street, not parking lot, divided by a minimum of 5' which goes up to 20, plus the corner (which was approximately 240' deep by 100' in width). At that corner would be a plaza that the public and residents of the area could enjoy. In the new urban areas they were trying to take the buildings to the street and place the parking behind the buildings. Therefore there is a street friendly pedestrian way to the shops. He explained that they did this in the project. Since Gilbert and Warner were fast moving streets, they couldn't move the buildings directly up to the streets. Therefore they created surface streets off of Warner and Gilbert and provided enough loading and stacking area so that there would not be any danger. He compared the streets to the ones at Carolyn Commons in front of the shopping areas. Those streets were abutted by a sidewalk that was 15' deep in front of the commercial. They will be addressed with shade structures and misters so that the people walking in front of the shops will have a pleasant environment. He added that the parking area was 70' wide instead of 62'. In addition they had a greenbelt strip between the sidewalks and the streets with trees.

Mr. Burcas discussed the living areas. He stated that they were placed on a 400'x180' park. He explained that he instructed the landscape architects to make it look like Central Park in New York. He wanted it to be draught resistant in many areas, water to be reclaimed, shaded areas for picnics, and a meadow and rocks that allow you to sit and view the landscape areas. He explained that when they first came to staff they had parking along the major road that separated them from the residential. Staff didn't want a lot of parking in that area, they wanted green belts. That way the neighbors in the multi-family and single family homes would look onto green belts. Some of the separations were over 200'. He pointed these areas out on the visual aid. He discussed how they placed the buildings so that people had views into the parks. He described the home and office spaces that were located close to each other. He provided elevations of these living spaces. He described the project and how it connected to the Town's amphitheater. He used the visual aid to point out the pedestrian patterns. He provided the Landscape Plan and described how they were attempting to mimic Central Park. He pointed out the other features of the landscaping. He described the retention area and stated that they were not sure if it would be 3' or 4' because they were told that the flow that was coming into the site by Flood Control were greater than have been originally forecasted for the site. If during the process they find that there is less water then they will be able to raise those areas and have the 2' or whatever the need may be. He explained that they wanted to design to protect the Town and its residents. He indicated that the project would either be called "Central Park at Gilbert Center" or "The Town Center of Gilbert". He stated that they would work this out with the Design Review Board and the staff as they go forward.

Mr. Burcas noted that they would like to recognize the historic buildings in the area and the civic center. Therefore they would be using some of these features and incorporating them into the project buildings. He reviewed some of the projects that they had done in the area: The Pavilions, the entry project to Gainey Ranch; Charicowa at Desert Mountain, which blended into the mountain sites; at the Boulders they did the fifth green around the Boulders and rerouted the golf course; and they did the resort housing outside the Boulders. As a firm they had done a lot of loft living for people that didn't want traditional single family homes. He used a visual aid to illustrate these lofts. He provided a visual aid of Playa Vista which was a four story building similar to the one proposed.

Mr. Burcas discussed the transportation studies using a visual aid. He pointed out that the town center had 3,000 trips less than when the Wal-Mart proposal was made. He concluded that they wanted to provide a city center by moving the street up to a minimum of 5'. He stated that if they build a wall that was three feet high in front of the plaza then it would become a shopping center. He didn't think they wanted this. In contrast they want it to be a main street that compliments the older town area and made this a new town area that becomes a center for the civic area.

Commissioner Anthony Bianchi asked what the purpose and benefits were of the parking screen walls.

Mr. Burcas replied that in a major shopping center where there was 200'-300' of parking in front of the building that the wall would shield the car and remove it from the pedestrian ways. In looking at Neo-Traditional planning and new urbanism, they are trying to bring the vehicle up to the sidewalk where people walk. Since they were providing planting strips and large sidewalks between the building and the parking it would feel like an old town center, in which you wouldn't see parking walls.

Commissioner Dan Dodge requested that the applicant describe what would happen next to the street on Warner Road.

Mr. Burcas explained that on Warner Road there would be a meandering sidewalk then a green space between the sidewalk and the road. There would be green space again between this and the parking. In looking at the Landscape Plan it illustrated that they were trying to create a trail that was pedestrian friendly.

Acting Planning Director Linda Edwards noted that any condition regarding screen walls was not part of the PAD. The Land Development Code has become very specific in what is permitted as deviations to the code with a PAD. The ULDC allowed whatever deviations they wanted to add. In contrast, the LDC stated that the purpose for the PAD is to deviate from the base district regulations, such as setbacks. All the other things that were listed in the matrix in the staff report would be handled in a different way, based on what was described, such as by a Conditional Use Permit

Commissioner Dan Dodge pointed out that the staff report did not indicate that this would require a variance. He assumed that it wasn't in the staff report because the staff indicated in their presentation that they didn't support the deviation. He questioned if council concurred with this position.

Town Attorney Phyllis Smiley agreed that Ms. Edwards was correct.

Vice Chairman Michael Monroe explained that the confusion was that in the modifications in the chart there were parentheses that indicated how the item would be handled. In this section it did not list anything.

Chairman Brigitte Peterson asked if anyone from the public wanted to speak on the item. Seeing no one, she asked if the staff or applicant had anything to add.

Mr. Milillo came back to the podium. He apologized for not placing the parentheses in the screening walls section of the matrix. He explained that with the ULDC there was a wide range of things that could be placed as conditions, but the LDC was very specific as to what could be added to the PAD stipulations.

Commissioner Karl Kohlhoff was confused as to what they could do about the parking screen wall. He didn't want to leave it there after what he had heard.

Commissioner Dan Dodge stated that this was not their purview, nor was the purview of the Design Review Board.

Ms. Edwards stated that their landscape regulations had become more flexible in not requiring a full screen wall for the entire length where a screen wall is permitted. The code now allowed a combination of berms and landscaping. In the ULDC it only permitted up to 25%. She felt that they could be very creative with the applicant and architect in screening what was needed without the block screen wall. She added that they had not gotten that far yet.

Commissioner Karl Kohlhoff requested a further explanation of neo-traditional. He wondered how it was handled in the Gateway area.

Mr. Milillo replied that in the Gateway area they had Traditional Design Guidelines. Commercial centers were still required to provide screen walls. The vast majority of the Traditional Design Guidelines in the Gateway area had been applied to residential product. He added that the types of design that they see included sidewalks that were set back by planter strips from the back of curb on the streets, minimal building setbacks, higher densities and garages that were placed on the rear or sides of buildings. He said the Traditional Design Guidelines were difficult to apply to traditional commercial centers because they have very large parking lots. However, they had not made any deviations to parking or screening standards in the Gateway area based on those guidelines.

Vice Chairman Michael Monroe clarified that if the applicant didn't want screen walls he would have to apply for a variance.

Mr. Milillo replied that they would need to apply for a variance.

A motion was made by Commissioner Dan Dodge, seconded by Vice Chairman Michael Monroe, that based on the following findings, they move to recommend to the Town Council approval of GP05-7, a minor General Plan amendment for proposed development that meets the intent of the land use designation requested and can successfully be coordinated with exiting development in the surrounding area; and recommend to the Town Council approval of Z05-14, rezoning of Gilbert Town Center, subject to Staff stipulations amended on 10/5/05 with the following modification: item b, c adding to the last sentence "or as otherwise approved by the Town Engineer".

Motion Carried 6-0.

A: Recommend to the Town Council, approval of the Minor General Plan amendment (GP05-7);
and,

For the following reasons: the development proposed conforms to the General Plan and can be coordinated with existing and planned development of the surrounding areas, the Planning Commission moves to:

B: Recommend to the Town Council to approve a zoning amendment (Z05-14) to Settler's Point PAD, subject to the following conditions:

- a. All of the conditions and requirements of Ordinance No. 427 as amended by ordinances No. 617, 725, and 1287 shall remain in full force and effect, unless otherwise amended by the conditions below.
- b. The project shall be developed in conformance with the Town's zoning requirements for the RC zoning district as modified by the PAD and Conceptual Development Plan, attached hereto as Exhibit L and all development shall comply with the Town of Gilbert Land Development Code. The project shall also be developed in conformance with the Conceptual Development Plan attached hereto as Exhibit L.
- c. Dedication to the Town for Palm Street right-of-way that is adjacent to the Property shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Palm Street shall extend 50 feet from the centerline **or as otherwise approved by the Town Engineer.**

Z13-08
Attachment 10: Planning Commission SS Minutes for
Z13-08/UP13-04 from June 5, 2013 (4 pages)
September 3, 2014

TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA
JUNE 5, 2013

COMMISSION PRESENT:

Vice Chairman Brigitte Peterson
Commissioner Anthony Bianchi
Commissioner Joshua Oehler
Commissioner Chad Fuller
Alternate Commissioner Khyll Powell

COMMISSION ABSENT:

Chairman Jennifer Wittmann
Commissioner Kristofer Sippel
Commissioner Bob Steiger

STAFF PRESENT:

Planning Services Manager Linda Edwards
Senior Planner Al Ward
Senior Planner Mike Milillo
Planner Nathan Williams
Planner Amy Temes

ALSO PRESENT:

Town Attorney Phyllis Smiley
Recorder Margo Fry

CALL TO ORDER:

Vice Chairman Brigitte Peterson called the meeting to order at 5:10 p.m.

UP13-07 - Conditional Use Permit for East Valley Patient Wellness Center, approximately 0.8 acres of real property at 988 S 182nd Place, located south and west of the southwest corner of Power and Warner Roads, to permit a Medical Marijuana Dispensary in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay zoning district, subject to conditions related to public health, safety, and welfare.

Senior Planner Al Ward stated that this was a request for the East Valley Patient Wellness Center which is a medical marijuana dispensary located near the southwest corner of Power and Warner Roads in a Light Industrial (LI) district. Mr. Ward displayed the site plan and referred to the following distance setbacks from page 3 of the staff report:

Use or use classification	Required Separation Distance	Provided Separation Distance
Another Medical Marijuana Dispensary or Offsite cultivation site	1,320	8 miles to NW
Hospital	1,320 ft.	1 mile plus to S
Day care center, public or private	1,000 ft.	2,100 ft. to S
Public or private park	1,000 ft.	3,100 ft. to W
Place of worship	1,000 ft.	4,000 ft. to W
Schools, public or private	1,000 ft.	6,490 ft. to SW
Residential district boundary	500 ft.	1,350 ft. to W

Mr. Ward noted that all of the separation distances had been met. There is one other dispensary which is located on the northwest side of town, a full 8 miles from the subject site. The site is approximately 8/10 of an acre and the proposal is

would eventually approve them. They decided where they wanted the sites to be located and three applications actually came in which were approved by the Planning Commission with a Use Permit because they met the findings. Two of the sites were appealed to the Town Council and overturned and the other was sent to the state and approved as a location. That one is just in the early stages of getting ready to open at McQueen and Elliot Roads in an industrial park. Vice Chairman Peterson said that it is her understanding from what she has been told by the police department there is not a lot of information yet because they are so new in opening as it took so long for the state to decide where they could be located and who was going to get the positions through a number draw. There has not been enough time to establish any criteria even to look at currently.

Commissioner Powell said that information satisfied his question.

Commissioner Oehler asked how deliveries would be handled.

Planner Ward said that a nondescript type of vehicle would be making deliveries through the front door.

Planning Manager Edwards pointed out that the security plan was located on the last two pages of the staff report. She noted that the criteria were research conforming almost word for word to the statutes and all of the planning is not only reviewed by Planning but also by police and others. It is a much regulated program.

Commissioner Bianchi asked if the CHAW boundary stops at Power Road at the Gilbert boundaries or does it go into Mesa as well. Could they see applications on the Mesa side of Power Road as well?

Senior Planner Mike Milillo said that it had been some time since he reviewed the CHAW map but he did not believe that the East CHAW map corresponds exactly to Gilbert's jurisdictional boundary. It may actually overlap into Mesa or even Queen Creek. This particular dispensary is working with the state and the understanding was that there was only one dispensary permitted per CHAW so if this one actually receives a license this will be the one for the East CHAW in Gilbert.

Commissioner Bianchi said that the site was in Light Industrial but it did not look like a typical LI Park.

Planner Ward said that a portion of the property was designated LI and a portion for Regional Commercial (RC). There are a lot of heavy trucking types of uses there. This parcel is in the Town but the area to the West is still in the County.

Z13-08 - Gilbert Town Center - Amend Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove approximately 25.3 acres of property generally located at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD) and to rezone said real property from Town of Gilbert Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district to Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district; and

UP13-04 - Gilbert Town Center Apartments - Conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district.

Planner Nathan Williams displayed an aerial map of the PAD for the site. He noted that Banner Health Care pulled their 13 acres out of the 37 acre overall piece and rezoned it to a new development plan. Essentially, this applicant is doing the same thing in that they will be removing 25 acres from the Gilbert Town Center PAD that currently exists and will rezone it with a new PAD. The driving force behind the request is the southern 13 acres that the applicant would like to see as multifamily use in the rezoned commercial district. Mr. Williams displayed the proposed development plan to demonstrate that the multifamily would be on the southeastern piece with some office and retail on the Southeast corner with the Banner Health Care piece in the center. What is required to allow multifamily in the RC zoning district is that it must be part of a integrated mixed-use plan with a Conditional Use Permit required. What they must

do is make sure that it is an integrated mixed-use development and the way to do that is to have some exhibits to demonstrate that that can be approved through zoning and through a Use Permit. Staff does not feel that currently there is enough information to demonstrate that this is part of an integrated mixed-use development and the applicant is working on that. Planner Williams said that in 2005 the 37 acres was approved as Gilbert Town Center and was a true mixed-use development with nearly 180,000 sq. ft. of commercial, 1200 residential units which included lofts and 4 to 5 story condominium buildings with parking structures and a lot of urban feel pedestrian connections. When Banner Health Care went in that changed the dynamics of the piece.

Chairman Fuller said that initially the PAD called for a live/work type feel of project with retail on the bottom and lofts up above.

Planner Williams said that was correct.

Commissioner Bianchi said that when the Banner Health Care facility came forward they began to discuss the possibility for synergistic uses next to it. Are there now restrictions on that where they will now not get adjacent uses that they were initially thinking about and that would limit the possibilities of the adjacent parcels?

Planner Williams said that when Banner went in it did limit the synergistic abilities of the parcel somewhat. The issue is that it is RC and in order to allow multifamily it has to be an integrated mixed-use. It is a catch 22 in that sense. It's up to the applicant to try to come up with something to be able to integrate.

Commissioner Bianchi asked if they were aware of any restrictions that could occur as a result of Banner going in there.

Mr. Williams said that Banner does require some restrictions of other users that come in on the site in terms of other medical related uses.

Commissioner Powell asked how many apartment units are currently under application.

Planner Williams said that he did not know the exact number but that he would research that and get back to the Commission with that number.

Commissioner Powell said that information would be helpful if they knew the total number of units throughout the Town that were being considered. In addition, he wished to know if the Town has done any type of a study where it would support the interest in building so many multi-housing units.

Planner Williams said that he would research that as well.

Commissioner Powell asked if staff knew what was driving the interest in building multi-housing.

Planner Williams said that it was very popular currently as it is very affordable and is easily financed which is always a big plus in the development industry

Commissioner Fuller said that he remembered thinking when the project was initially presented in 2005 that it was very ambitious for the Gilbert Warner location and not really feasible. He said that when the case comes back at the next regular session he would like to hear from applicant why multifamily makes sense at this location. He said that he did not think that it was the greatest spot for commercial as it would be difficult to drive traffic there so he would like to hear from staff what they would want to go there if they did not want to go the multifamily direction as he was not sure what the next feasible alternative would be at that spot.

Commissioner Oehler said that he would like to see a little more play on the integration.

Vice Chairman Peterson said that she would like to see the minutes from the Banner meeting and what was discussed about that property. She said that she remembered that Banner wanted it to be secure and not allow them to have integrated uses and be able to cross over the property. She said that she would like to see the list of what wasn't allowed at that site. She said that she thought that it was a perfect location for a pharmacy with Banner health right next door.

Commissioner Bianchi said that when they moved forward they advertise this for two parcels but they are really only seeing a plan for one of them. He said that he needed to see what an integrated plan would be for both of the parcels and how they connect to one another as this originally was supposed to be one mixed-use project. He said that this was almost a clustering of multifamily and typically not where you would find one so he would like to have a discussion about how this ties into any of the adjacent uses as well as what transit options exist to connect to employment areas.

Vice Chairman Peterson noted that the multifamily for across the street at Gilbert town square is on the Town Council agenda for June 6th.

GP13-04 - Minor General Plan amendment to change the land use classification of approximately 157.3 acres of real property generally located at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 - 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 - 5 DU/ Ac land use classifications; and

Z13-07 - Amend the Morrison Ranch Planned Area Development (PAD) by amending Ordinances Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 by rezoning approximately 157.3 acres of real property generally located at the northwest corner of Higley and Warner Roads, in zoning case Z13-07, from approximately 33 acres of Single Family-10 (SF-10), 22.1 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10 acres of Public Facility Institutional (PF-I) zoning districts, all with a Planned Area Development overlay zoning district to 33 acres of Single Family -10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7) and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development overlay zoning district; and by amending conditions of development as follows: reducing the width of lots for the SF-7 zoning district, increasing the depth of the lots for the SF-6, SF-7, SF-8 and SF-10 zoning districts, and increasing the maximum lot coverage for all the residential zoning districts proposed

Senior Planner Maria Cadavid stated that this was a 150 acre site which is part of the Morrison Ranch Master Plan that was originally entitled in 1998. She displayed an exhibit that showed the boundaries of the Morrison Ranch character area. The subject site is at the Northwest corner of Higley and Warner Roads. She noted that the corner that is Neighborhood Commercial will remain. The current land use classification is 3.5 – 5, the PSI was reserved for the Gilbert school district and the Neighborhood Commercial is on the corner. The applicant wishes to develop 2 parcels with two residential designations one being 93 acres of 2 – 3.5 classification and parcel B, 3 – 3.5 – 5. Planner Cadavid said that they have a letter from the school district to the applicant/owner stating that they are not interested in building another school facility at that location so the PSI has been absorbed by the residential acreage. Planner Cadavid referred to the following information from pages 3 and 4 of the staff report:

Rezoning (Z13-07): The proposed amendment to approximately 157.3 acres of the Morrison Ranch PAD to be known as the Warner Groves subdivision consists of:

1. Reconfiguring the boundaries and acreage of parcels B (SF-8) by increasing the size by 4.7 acres
2. Squaring and reducing the size of parcel C (SF-7) by 2.7 acres; and,
3. Reconfiguring the boundaries of parcel D (SF-6) incorporating the acreage from the school site for a total of 56.5 acres.
4. The zoning request also proposes:
 - o To increase the depth of all lot in the zoning districts requested.